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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
- - - - - X  
CONGREGATION RABBINICAL COLLEGE OF  
TARTIKOV, INC., RABBI MORDECHAI  
BABAD, RABBI WOLF BRIEF, RABBI  
HERMEN KAHANA, RABBI MEIR MARGULIS,  
RABBI GERGELY NEUMAN, RABBI MEILECH  
MENCZER, RABBI JACOB HERSHKOWITZ,  
RABBI CHAIM ROSENBERG, RABBI DAVID A.  
MENCZER, and RABBI ARYEH ROYDE,  
Plaintiffs,  
-against- 07-CV8304  
(KMK)

VILLAGE OF POMONA, NY; BOARD OF  
TRUSTEES OF THE VILLAGE OF POMONA,  
NY; NICHOLAS SANDERSON AS MAYOR;  
IAN BANKS as Trustee and in his  
official capacity, ALMA SANDERS  
ROMAN as Trustee and in her official  
capacity, RITA LOUIE as Trustee and  
in her official capacity, and BRETT  
YAGEL, as Trustee and in his official  
capacity,  
Defendants.

- - - - - X

May 8, 2014  
9:56 a.m.

EXAMINATION BEFORE TRIAL of  
the Defendant, BRETT YAGEL, taken pursuant  
to Notice, held at the offices of Savad  
Churgin, 55 Old Turnpike Road, Nanuet, New  
York, before a Notary Public within and for  
the State of New York.

\* \* \*

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\* \* \*

1  
2  
3  
4           IT IS HEREBY STIPULATED AND AGREED  
5 by and between the attorneys for the  
6 respective parties hereto that filing and  
7 sealing are hereby waived.  
8

9           IT IS FURTHER STIPULATED AND AGREED  
10 that all objections, except as to the  
11 form of the question, shall be reserved  
12 to the time of the trial.  
13

14           IT IS FURTHER STIPULATED AND AGREED  
15 that the within examination may be signed  
16 and sworn to before any Notary Public  
17 with the same force and effect as though  
18 signed and sworn to before this Court.  
19  
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25

1                               - Brett Yagel -

2                   (At the request of Mr. Stepanovich the  
3 following documents were marked.)

4                   (Whereupon, Notice of Deposition was  
5 marked Plaintiff's Exhibit 130 for  
6 identification.)

7                   (Whereupon, Defendant Yagel's  
8 Supplemental Responses To Plaintiffs' Second  
9 Set of Interrogatories was marked  
10 Plaintiff's Exhibit 131 for identification.)

11 B R E T T    Y A G E L, a Defendant herein, having  
12       been first duly sworn by Gale Salit, a  
13       Notary Public of the State of New York, was  
14       examined and testified as follows:

15               THE REPORTER:   May I have your full  
16       name, please?

17               THE WITNESS:   Brett Louis Yagel.

18               THE REPORTER:   May I have your  
19       address?

20               THE WITNESS:   9 Secor Court, Pomona,  
21       New York 10970.

22 EXAMINATION BY

23 MR. STEPANOVICH:

24       Q       Good morning, Mr. Yagel.  My name is  
25       John Stepanovich and this is Donna Sobel, and we

1                               - Brett Yagel -

2       are two of the lawyers for the plaintiffs in this  
3       matter, Congregation Rabbinical College of  
4       Tartikov and others versus the Village of Pomona.

5                       Have you ever given a deposition  
6       before?

7           A           No.

8           Q           One of the first things is that I ask  
9       that your answers be audible so the court  
10      reporter can take it down. Shaking or nodding of  
11      the head just cannot be transcribed properly. So  
12      we want to make sure we get your answers  
13      reflected properly, so an audible answer is  
14      requested. You understand?

15          A           Yes.

16          Q           If at any time you don't hear my  
17      question, will you please let me know so that I  
18      could make sure you hear it?

19                      That's a yes?

20          A           Yes.

21          Q           And if any time you don't understand  
22      my question, will you make sure that you let know  
23      so that I could try to phrase it in a way that's  
24      understandable?

25          A           Yes.

1                               - Brett Yagel -

2           Q           At any point you need to take a break,  
3 will you let me know and we will take a break.  
4 As long as there's not a question pending, you  
5 can have your break at any time you want it.  
6 Okay?

7           A           Yes.

8           Q           Have you taken any medication that may  
9 interfere with your ability to testify here  
10 today? Have you?

11          A           I've taken medication, yes.

12          Q           Any of that medication have any effect  
13 or ability on you testifying here today?

14          A           I do not know.

15          Q           What kind of medication did you take?

16          A           Cholesterol medication.

17          Q           Did you take it today?

18          A           Yes.

19          Q           Something you normally take?

20          A           I was just put on it.

21                       Correction. I just started retaking  
22 it after my tests came back.

23          Q           No other medication?

24          A           None.

25          Q           Where are you employed?

1                               - Brett Yagel -

2           A           Princeton Information Systems.

3           Q           What do you do?

4           A           Project management.

5           Q           Is that in the IT field?

6           A           Yes.

7           Q           What specifically do you do?

8           A           Project manager.

9           Q           Can you describe generally your duties  
10 as a project manager?

11          A           Make sure the plan software is  
12 executed according to budget, plan, resources, et  
13 cetera.

14          Q           Your employer is located where?

15          A           Manhattan.

16          Q           Generally what kind of company is your  
17 employer?

18          A           Consulting firm.  Actually,  
19 correction.  When I was originally employed by  
20 Princeton they were in Manhattan, but I believe  
21 they are now at Harborside Court in New Jersey.

22          Q           You don't commute every day, do you?

23          A           Can you rephrase that?

24          Q           Do you commute to work every day?

25                       MS. NAPP:  To that location?

1                               - Brett Yagel -

2           Q           To that location.

3           A           No.

4           Q           What kind of consulting business is  
5 your employer in?

6           A           IT consulting.

7           Q           You're currently an official with the  
8 Village of Pomona?

9           A           Yes.

10          Q           What is your position?

11          A           Mayor.

12          Q           When were you elected mayor?

13          A           Three years ago. I'm going into my  
14 fourth year now.

15          Q           Prior to being elected mayor did you  
16 serve the Village of Pomona in any other  
17 capacity?

18          A           Prior to being mayor I was a trustee,  
19 and that was in 2007.

20          Q           How long were you a trustee before you  
21 were elected mayor?

22          A           Four years.

23          Q           So you've been on the board of  
24 trustees for the Village of Pomona for  
25 approximately seven years?



1                               - Brett Yagel -

2           A           Correct.

3           Q           Did you hold any other positions with  
4 the Village of Pomona other than the ones you've  
5 just described?

6           A           No.

7           Q           You're appearing here today on a  
8 notice of deposition?

9           A           Yes.

10          Q           I'm handing you, Mr. Yagel, what's  
11 been marked as Plaintiff's Exhibit 130. If you  
12 could take a look at that, please?

13          A           (Complying.)

14          Q           Have you seen Plaintiff's Exhibit 130  
15 before?

16          A           Yes.

17          Q           Have you read it?

18          A           Yes.

19          Q           Mr. Yagel, could you just tell me  
20 generally what you've done to prepare for your  
21 deposition today?

22          A           I met with counsel yesterday and I  
23 reviewed some documents that have already been  
24 produced.

25          Q           Can you tell me what documents you

1                               - Brett Yagel -

2       reviewed?

3           A           Local Law 2007 No. 5.   Some emails  
4       between village board members.   That's about it.  
5       Some constituent emails.

6           Q           You made a gesture of what I would  
7       interpret as a stack of documents.   Am I  
8       inaccurately reflecting that gesture?

9           A           No.

10          Q           Besides counsel, did you speak with  
11       anybody in preparing for this deposition?

12          A           No.

13          Q           I'm handing you, Mr. Yagel, what's  
14       been marked as Plaintiff's Exhibit No. 131.   If  
15       you could take a look at that, please?

16          A           (Complying.)

17                   MR. PELOSO:   Unless you want to, you  
18       don't need to read everything.   He'll  
19       probably have specific questions.   If you  
20       want to, that's fine.

21          Q           I won't stop you if you wanted to  
22       review it.

23                   Have you ever seen that document  
24       before, Plaintiff's 131?

25          A           Yes.

1                               - Brett Yagel -

2           Q           Did you participate in responding to  
3 that document with your counsel?

4           A           Yes.

5           Q           You were stopped short, but do you  
6 agree with the responses that were listed in that  
7 answer to interrogatories?

8           A           Yes.

9           Q           That's all for now on that, Mr. Yagel.  
10                       Were you ever assigned any  
11 responsibility with the Village of Pomona in  
12 terms of technology development?

13          A           Technology?

14          Q           Yes.

15          A           Can you rephrase that, please?

16          Q           Sure. Did you ever assume any  
17 responsibility for the Village of Pomona IT or  
18 website or anything like that?

19          A           I'm sorry, can you rephrase that  
20 again?

21          Q           Sure. Let's do it this way.

22                       MR. STEPANOVICH: (Handing document to  
23 be marked.)

24                       (Whereupon, Newsletter "The Village  
25 Green" July 2007, Bates No. POM13285, was

1                               - Brett Yagel -

2           marked Plaintiff's Exhibit 132 for  
3           identification.)

4           Q           Mr. Yagel, I'm handing you what's been  
5           marked as Plaintiff's Exhibit No. 132. On the  
6           left side of the Mayor's Corner, about  
7           three-quarters of the way down, reading, "Brett  
8           Yagel was formally appointed board liaison to the  
9           fire and emergency services, a new position, and  
10          will also be responsible for office operations  
11          and technology."

12                       Do you see that?

13          A           Yes, I do.

14          Q           Did I read that correctly?

15          A           Yes.

16          Q           So that's -- let me ask you a  
17          question. What were your duties related to  
18          office operations and technology with the Village  
19          of Pomona?

20          A           What was your original question?

21          Q           That one is gone now.

22                       MR. PELOSO: There's a new question.

23                       You should answer the question.

24          Q           This is the question.

25          A           What were my responsibilities?

1                               - Brett Yagel -

2                   MR. STEPANOVICH: Can you read it  
3           back, please?

4                   (The question was repeated.)

5           A        Village operations and technology. To  
6           suggest some methods for improving the  
7           technology, to ensure that we had the latest  
8           updates with regards to security patches and  
9           stuff, to suggest upgrading the equipment due to  
10          it being unsupported. That's about it.

11          Q        You began those efforts sometime in  
12          what, the summer of 2007; is that fair?

13          A        I believe so, yes.

14          Q        Do you currently perform any of those  
15          duties that you just described?

16          A        They are usually performed -- no.

17                   MR. STEPANOVICH: (Handing document to  
18          be marked.)

19                   (Whereupon, Document entitled,  
20          "Document Hold and Preservation  
21          Notice-Privileged and Confidential," Bates  
22          No. POM33617, was marked Plaintiff's Exhibit  
23          133 for identification.)

24          Q        I'm handing you now, Mr. Yagel, what's  
25          been marked as Plaintiff's Exhibit 133.

1 - Brett Yagel -

2	A	(Perusing document.)	Yes.
---	---	----------------------	------

3 Q Have you ever seen Plaintiff's 133  
4 before?

5	A	Yes.
---	---	------

6 Q Did you comply with the directive set  
7 forth in Plaintiff's 133?

8	A	Yes.
---	---	------

9	Q	How did you do that?
---	---	----------------------

10           A           Any documents in my possession were  
11           turned over to counsel. My home computer, which  
12           I had in my possession, have in my possession,  
13           was imaged by counsel. Any emails or data was  
14           retained and turned over to counsel.

15	Q	Thank you.
----	---	------------

16	What is Preserve Ramapo?
----	--------------------------

17           A           It is a local group comprised of  
18   various -- various people with various diverse  
19   backgrounds.

20 Q Do you know if Preserve Ramapo has

21 members?

22	A	Can you rephrase that?
----	---	------------------------

23 Q Sure. Let me see if I can ask it a  
24 better way.

25	Are you a member of Preserve Ramapo?
----	--------------------------------------

1                               - Brett Yagel -

2           A           I have participated as being a member  
3 of Preserve Ramapo. As to whether there is a  
4 defined membership listing or dues, I have no  
5 knowledge. I have never paid dues.

6           Q           Have you ever received communications  
7 from Preserve Ramapo?

8           A           Yes.

9           Q           How do you receive those  
10 communications?

11          A           Email blasts, sometimes emails to my  
12 village address or my personal email address.

13          Q           How many email addresses do you have?

14                      MR. PELOSO: Presently?

15          Q           Presently, yes.

16          A           Well, I have an email address at work.

17          Q           What is that?

18          A           Let me quantify that.

19          Q           Sure.

20          A           I cannot send or receive any external  
21 emails. It's only an internal email address.

22          Q           This is the one at Village of Pomona?

23          A           No.

24                      MR. PELOSO: At his job.

25          A           At my job. Other than that, I have

1                               - Brett Yagel -

2       two email addresses: Blyagel@optonline.net and  
3       brett.yagel@pomonavillage.com.

4           Q           The email that you described at work,  
5       do you receive emails at that email address?

6           A           At work?

7           Q           Yes.

8           A           My full-time position, no. I might  
9       have a Google email address, but it was only to  
10      set up a Google calendar. I don't recall what it  
11      is.

12          Q           The email addresses that you just  
13      described, did you have those email addresses  
14      back in 2005, '6 and '7?

15          A           In 2005 it was blyagel@optonline.net.  
16      I received my village email address when I became  
17      a trustee in 2007. And I cannot recall when I  
18      set up the Google email address.

19          Q           In complying with Plaintiff's Exhibit  
20      133, did you search all of the emails that you  
21      had for documents that were in response to this  
22      preservation letter?

23          A           Yes.

24          Q           How long have you lived in Rockland  
25      County?



1                               - Brett Yagel -

2           A           Since I believe February 1998. Closed  
3 on the house on January 15th, 1998.

4           Q           Is that your home in Pomona?

5           A           Yes.

6           Q           Where did you live before you moved to  
7 Pomona?

8           A           268-10 81st Avenue, New Hyde Park, New  
9 York.

10          Q           Has Rockland County changed at all  
11 since you've moved here?

12          A           Yes.

13          Q           Can you describe that, please?

14          A           A lot more traffic, more development.

15          Q           Anything else?

16                      What do you mean by a lot more  
17 development?

18          A           I've seen a lot more development in  
19 the county over the years, a lot of green space  
20 that has now been developed by the property  
21 owners.

22          Q           You said, I think you mentioned  
23 traffic as something that has changed. Could you  
24 just generally describe the change in traffic  
25 since you moved to Rockland County?

1                               - Brett Yagel -

2           A           On 202 corridor it takes me a little  
3 bit longer to get home than it did in 1998.

4           Q           How much longer?

5           A           About five minutes.

6           Q           What about the schools in Rockland  
7 County, have they changed at all since you moved  
8 to Rockland County?

9           A           Can you rephrase that?

10          Q           Sure. First of all, do you have any  
11 children that attended public schools in Rockland  
12 County?

13          A           No.

14          Q           Do you have any opinion of the school  
15 district in Rockland County, specifically the  
16 East Ramapo School District?

17                   MR. PELOSO: Objection to form. You  
18 can answer the question.

19          A           Any objection?

20          Q           No. I think -- let me rephrase.

21                   Do you have any opinion on the East  
22 Ramapo School District?

23                   MR. PELOSO: Object to the form.

24          Q           If you understand the question, you  
25 can --

1                               - Brett Yagel -

2                   MR. PELOSO:  If you understand, you  
3           can answer the question.

4           A           Do I have any opinion?

5           Q           Yes.

6           A           Any person that's elected to an  
7           official office needs to execute their fiduciary  
8           responsibilities to the best of their ability.

9           Q           Do you believe that the East Ramapo  
10          School District isn't living up to that  
11          responsibility?

12          A           No.

13          Q           Do you have children attending private  
14          school now?

15          A           Yes.

16          Q           Do you know what a voting bloc is?

17          A           Yes.

18          Q           What is your understanding of a voting  
19          bloc here in Rockland County?

20          A           A voting bloc is a group of people who  
21          have similar interests or desires.

22          Q           Do you have any idea of whether or not  
23          a voting bloc as you described exists in Rockland  
24          County?

25          A           Do I have any idea if one exists?

1                               - Brett Yagel -

2           Q           Yes, that was the question. Do you  
3 understand it?

4           A           Yeah.

5           Q           Okay.

6           A           Yes.

7           Q           Do you know who comprises that voting  
8 bloc?

9           A           Various groups, various people.

10          Q           So is there more than one voting bloc  
11 in existence in Rockland County in your opinion?

12          A           Yes.

13          Q           Could you describe what those voting  
14 blocs are?

15          A           A group of people who want to control  
16 the school board elections, a group of people who  
17 want to control town elections, a group of people  
18 who want to control county elections, a group or  
19 individuals of people who want to control  
20 legislative elections.

21          Q           You mentioned about four groups of  
22 people. Is that all the same group of people  
23 that you just described?

24          A           No.

25          Q           So is your testimony that a voting

1                   - Brett Yagel -

2       bloc consists of a group of people that want to  
3       control a certain election?

4                   MR. PELOSO: I think asked and  
5       answered, so I'll object.

6       A        Yeah.

7                   MR. PELOSO: You can ask the next  
8       question.

9       Q        Have you ever heard of the term voting  
10      bloc in Rockland County?

11                  MR. PELOSO: Objection. Asked and  
12      answered. You can answer the question.

13      A        Yes.

14      Q        Does that term refer to any particular  
15      group in your opinion?

16                  MR. PELOSO: Same objection.

17      Q        Does it?

18      A        Any particular group, no.

19      Q        Have you ever used the term voting  
20      bloc?

21      A        Yes.

22      Q        When you use the term voting bloc what  
23      do you mean by that term?

24      A        A group of people or individuals who  
25      have similar interests or desires.

1                               - Brett Yagel -

2           Q           Are you familiar with tax exempt  
3 properties within the Village of Pomona?

4           A           Yes.

5           Q           Do you have any idea how many tax  
6 exempt properties there are in the Village of  
7 Pomona?

8           A           No.

9           Q           What do you know about the Hasidic and  
10 Orthodox Jewish community in Rockland County?

11                       MR. PELOSO: Object to the form as  
12 vague. You can answer the question.

13           A           A very tight-knit community, family  
14 oriented.

15           Q           Do you know anything generally about  
16 the size of their families?

17                       MR. PELOSO: You mean the average size  
18 of each family?

19           Q           Yes, the average size of the  
20 Orthodox --

21           A           Just that usually large families.  
22 Quantity, no.

23           Q           Pardon me?

24           A           Quantity like numbers?

25           Q           No. You've answered the question,

1                               - Brett Yagel -

2       that's fine.

3                       I believe you stated in your  
4       interrogatories that you read the local paper,  
5       the Journal News, on a regular basis; is that  
6       right?

7           A           Yes.

8           Q           And I think you also stated that you  
9       read the online versions of the local paper,  
10      which I believe at one time was called LoHud; is  
11      that correct?

12          A           Yes.

13          Q           Is it still called LoHud, the online  
14      version, if you know?

15          A           Yes.

16          Q           Have you ever spoken to anybody in the  
17      media about land issues, land use issues in the  
18      Village of Pomona?

19          A           I cannot recall.

20          Q           Have you ever spoken to anyone in the  
21      media about land use issues in the Town of  
22      Ramapo?

23          A           Yes.

24          Q           Do you know approximately when that  
25      was?

1                               - Brett Yagel -

2           A           I do not recall.

3           Q           What about, was it in the last three  
4 years?

5           A           In Ramapo?

6           Q           The question is: Did you ever speak  
7 to anyone in the media about land use issues in  
8 the Town of Ramapo? And your answer I think was  
9 I don't recall. I'm trying to just get an idea  
10 of --

11                       MR. PELOSO: I think the answer was  
12 yes. And I think your question was: Has it  
13 been within the last three years?

14          Q           Has it been within the last three  
15 years?

16          A           I do not believe so.

17          Q           Would it have been beyond the last  
18 three years?

19          A           Yes.

20          Q           Was there any specific issue that you  
21 would have spoken to the media about in that  
22 regard?

23          A           Patrick Farm.

24          Q           Patrick Farm is a parcel of real  
25 estate located in the Village of Pomona?



1                               - Brett Yagel -

2           A           No.

3           Q           It's right outside of the Village of  
4   Pomona?

5           A           Yes.

6           Q           Do you recall generally what your  
7   comments were regarding Patrick Farm to the  
8   media?

9           A           No.

10          Q           Have you ever posted anything on any  
11   Internet forum regarding land use issues in  
12   Rockland County?

13          A           No.

14          Q           Do you do any posting at all on any  
15   Internet forums regarding any issue?

16                   MR. PELOSO: Any issue, any topic?

17          Q           Any issue.

18                   MR. PELOSO: If you understand the  
19   question, you can answer it.

20          A           Yes.

21          Q           What forums would that be?

22          A           Facebook.

23          Q           What else?

24          A           LinkedIn.

25          Q           What else?

1                               - Brett Yagel -

2           A           I can't recall.

3           Q           Are there more Hasidic and Orthodox  
4   Jews in Rockland County now than when you first  
5   moved here?

6                       MR. PELOSO: Object to the form. Lack  
7   of foundation. If you know.

8           A           Any -- I'm having -- speak up.

9           Q           Are you generally familiar with the  
10   number of Orthodox, Hasidic Jews that live in  
11   Rockland County?

12          A           No.

13          Q           You don't have any specific knowledge?

14          A           No specific knowledge.

15          Q           Do you have any general idea of the  
16   number of Orthodox and Hasidic Jews that live in  
17   Rockland County?

18          A           No.

19          Q           Do you have any idea of whether or not  
20   there are more Orthodox and Hasidic Jews that  
21   live in Rockland County now than when you moved  
22   here in 1998?

23          A           General idea of numbers?

24          Q           Not specific.

25          A           Yes.

1                               - Brett Yagel -

2           Q           Is there more now than when you moved  
3 here in 1998?

4           A           I don't know.

5           Q           Are you aware of the lead plaintiff in  
6 this case, the Congregation Rabbinical College of  
7 Tartikov, Inc.?

8           A           Yes.

9           Q           When did you become aware of that lead  
10 plaintiff?

11          A           January 2007.

12          Q           How did you become aware of them?

13          A           Through Preserve Ramapo website.

14          Q           Is it something that you became aware  
15 of by going onto the Preserve Ramapo website?

16          A           Yes.

17          Q           Going onto the website, was that in  
18 response to anything?

19          A           I cannot recall.

20                       MR. STEPANOVICH: (Handing document to  
21 be marked.)

22                       (Whereupon, Preserve Ramapo email,  
23 1/9/07, Bates Nos. POM0013255-59, was marked  
24 Plaintiff's Exhibit 134 for identification.)

25          Q           I'm handing you now, Mr. Yagel, what's

1                               - Brett Yagel -

2       been marked as Plaintiff's Exhibit 134.

3           A           (Perusing document.)   Okay.

4           Q           Have you ever seen Exhibit 134 before?

5           A           Yes.

6           Q           Where did you see Plaintiff's Exhibit  
7       134?

8           A           Preserve Ramapo website.   And I  
9       believe I also received an email.

10          Q           Similar to Plaintiff's Exhibit 134?

11          A           Yes.

12          Q           We are going to talk a bit today about  
13       the subject property that this lawsuit involves,  
14       and I just want to make sure that we get an  
15       agreement on what that is.

16                       As you know, the property is this  
17       property located at Routes 202 and 306 owned by  
18       the Congregation Rabbinical College of Tartikov,  
19       do you know that?

20          A           Yes.

21          Q           So for the purpose of this deposition  
22       we'll call it the property, okay?

23          A           Yes.

24          Q           So when I use that word you know what  
25       I mean?

1                               - Brett Yagel -

2           A           Yes.

3           Q           Prior to this email in January of 2007  
4 did you know who owned the property?

5           A           Yes.

6           Q           Who was that?

7           A           I cannot recall.

8           Q           If I --

9           A           Well, I don't know whether it was Camp  
10 Dora Golding.

11          Q           What if I gave you the name Yeshiva  
12 Spring Valley, does that refresh your memory?

13          A           Did I know that they owned the  
14 property prior to 2007?

15          Q           Yes.

16          A           No.

17          Q           Plaintiff's Exhibit 134 contains five  
18 pages. Is this five pages what you recall  
19 receiving back in January of '07?

20               MR. PELOSO: I don't think he said he  
21 received it. He saw it on the website.

22          Q           Is this what you recall seeing, these  
23 five pages, on the Preserve Ramapo website?

24          A           Yes.

25          Q           Once you read this Exhibit 134 on the

1                               - Brett Yagel -

2       website what, if anything, did you do in response  
3       to it?

4           A           I might have replied to Mike  
5       Castelluccio an email about Pomona codes.

6           Q           That would have been an email that you  
7       turned over to your counsel?

8           A           Yes.

9           Q           Would you have made that reply  
10      somewhere in the time of January the 9th, 2007?

11          A           Yes.

12          Q           As a village trustee do you take into  
13      account the positions of the citizens of the  
14      village when you vote on particular legislation?

15          A           Yes.

16          Q           How do you do that?

17          A           I weigh the general interests of the  
18      community as well as my elected office.

19          Q           What do you mean as well as your  
20      elected office? If you can expand on that,  
21      please.

22          A           I might not agree with what the  
23      position is that the constituency is requesting  
24      and I might vote contrary to it.

25          Q           How do you become aware of the local

1                               - Brett Yagel -

2       citizens' sentiments regarding village issues?

3           A           Emails, comments through the website,  
4       phone calls.

5           Q           Newspapers?

6           A           Newspapers, blogs.

7           Q           Have you ever seen any letters to the  
8       editor in the Rockland County Journal News  
9       regarding the Rabbinical College of Tartikov and  
10      this property?

11          A           Yes.

12          Q           Have you ever seen any Internet  
13      postings and blogs regarding the Rabbinical  
14      College of Tartikov and this property?

15          A           Yes.

16          Q           Would you describe those postings and  
17      those letters to the editor as negative or  
18      positive against this property?

19                      MR. PELOSO:   You mean the property or  
20      the development?

21          Q           The proposed use of this property.

22          A           Both.

23          Q           So you have seen or can you describe  
24      whatever you recall regarding a positive position  
25      regarding the use of this property?

1                               - Brett Yagel -

2           A           That it would serve a need of a  
3 community.

4           Q           What community would that be?

5           A           They weren't specific.

6           Q           Is it fair to say that it would serve  
7 a need of the Orthodox and Hasidic Jewish  
8 community?

9           A           Yes.

10          Q           Would you say that the articles that  
11 you've seen in the paper and online are more  
12 negative than positive regarding the use of this  
13 property?

14                       MR. PELOSO: Object to the form.

15          Q           If you understand, you can answer it.

16          A           Yes.

17          Q           You were on the village board on May  
18 21st, 2007; is that correct?

19          A           Yes.

20          Q           Were you aware of a meeting that was  
21 held by representatives of the Rabbinical College  
22 of Tartikov at the Comfort Inn in Nanuet on May  
23 21st, 2007?

24          A           Yes.

25          Q           How did you become aware of that?



1                               - Brett Yagel -

2           A           I don't know -- recall.

3           Q           Do you recall getting an invitation to  
4 attend that meeting?

5           A           Yes, but I do not recall from who.

6           Q           Did you attend that meeting?

7           A           No.

8           Q           Why not?

9           A           I could not attend that meeting that  
10 evening.

11          Q           Why not?

12          A           Prior commitments.

13          Q           What kind of prior commitments?

14          A           I think -- I believe they were family  
15 commitments.

16          Q           Do you know if any other trustees of  
17 the Village of Pomona attended that meeting?

18          A           I have no knowledge of that.

19          Q           Was there any discussion among the  
20 board of trustees whether to attend that meeting  
21 or not?

22          A           I have no knowledge of that.

23          Q           Did you ever discuss with anyone else  
24 on the board whether it was a good idea or a bad  
25 idea to attend that meeting?

1                               - Brett Yagel -

2           A           No.

3           Q           Is it fair to say that the proposed  
4 use of this property was a significant issue in  
5 your election campaign for the Village of Pomona?

6                       MR. PELOSO: Object to the form.

7           Q           Do you understand the question?

8           A           Uh-huh.

9           Q           If you understand it, can you answer  
10 it, please?

11          A           Yes.

12          Q           Knowing that it was a significant  
13 issue to the Village of Pomona, you still decided  
14 not to attend this meeting in May of '07; is that  
15 right?

16                      MR. PELOSO: Objection. I believe he  
17 testified he couldn't attend. But you can  
18 answer the question.

19          Q           Is that right?

20          A           I could not attend.

21          Q           When did you become deputy mayor?

22          A           It wasn't the first year. I believe  
23 it was 2008, an organizational meeting.

24          Q           So do you recall --

25          A           I believe.

1 - Brett Yagel -

2 Q Okay. Do you recall who the deputy  
3 mayor was in May of '07?

4 A Yes.

5 Q Who was that?

6 A Ian Banks.

7 Q Was Herb Marshall the mayor at that  
8 point?

9 A May of 2007?

10 Q Yes.

11 A No.

12 Q Who was the mayor in May of 2007?

13 A Nicholas Sanderson.

14 Q Do you recall if anyone from the  
15 Village Board of Trustees attended that meeting  
16 in May of '07?

17 A I was not there, I don't know.

18 Q Were you told by anyone not to attend  
19 the meeting of May 21st of '07?

20 A No.

21 Q Do you know whether or not any  
22 representative from the Village of Pomona was in  
23 attendance at the meeting on May 21st, 2007?

24 MR. PELOSO: Objection. Asked and  
25 answered.

1                               - Brett Yagel -

2           Q           Do you know?

3           A           No.

4           Q           You don't know?

5           A           I don't know. I wasn't there to  
6 witness it.

7                       MR. PELOSO: You've answered the  
8 question.

9                       MR. STEPANOVICH: (Handing document to  
10 be marked.)

11                      (Whereupon, Board of Trustees-Special  
12 Meeting, Minutes 4/21/08, Bates No.  
13 POM19945, was marked Plaintiff's Exhibit 135  
14 for identification.)

15          A           (Perusing document.) Okay.

16          Q           Do you know what Plaintiff's Exhibit  
17 135 is?

18          A           Yes.

19          Q           What is it?

20          A           It's a copy of the board of trustees  
21 special meeting held on April 21st, 2008.

22          Q           You were in attendance; is that right?

23          A           Yes.

24          Q           One of the issues that was brought up  
25 at that meeting was a tax increase in the Village

1                               - Brett Yagel -

2 of Pomona; is that right?

3           A           Yes.

4           Q           Do you recall the percentage of tax  
5 increase that was proposed?

6           A           Yes.

7           Q           How much was that?

8           A           Approximately 70 percent.

9           Q           Do you recall prior to that proposal  
10 when the last time there was a tax increase in  
11 the Village of Pomona?

12          A           Yes.

13          Q           When was that?

14          A           I believe it was the prior year.

15          Q           So in 2007 there was a tax increase  
16 that was passed by the Village of Pomona?

17          A           I believe so, yes.

18          Q           Do you recall what the percentage of  
19 the tax increase was?

20          A           No.

21          Q           What was the basis, speaking now  
22 regarding Plaintiff's 135, what was the basis for  
23 the 70 percent tax increase?

24          A           The village was coming off a long-term  
25 contract with the sanitation group. I believe it

1                   - Brett Yagel -

2       was either a seven- or a nine-year contract. And  
3       we were faced with going out to bid on a new  
4       sanitation contract, the cost of which was going  
5       to be much larger than we had previously paid.  
6       In addition, I believe that we had also put into  
7       this budget an item for tax stabilization fund of  
8       \$100,000.

9           Q       What was the tax stabilization fund  
10      for?

11          A       To assist the village residents should  
12      an unforeseen expense hit it, to lower the tax  
13      rates.

14          Q       What do you mean by that? Could you  
15      further expand that definition of unforeseen  
16      incident?

17          A       Unforeseen incidents are, you know,  
18      litigation. By this time -- yup.

19          Q       By this time in April of '08  
20      litigation had already been initiated against the  
21      Village of Pomona regarding the Tartikov  
22      property, correct?

23          A       Yes.

24          Q       This sanitation contract that you  
25      described, do you recall what the additional

1                               - Brett Yagel -

2       increase was going to be to the village?

3           A           Substantial.

4           Q           What do you mean by substantial?

5           A           It was over \$100,000 increase.

6           Q           Would that have been \$100,000

7       throughout the life of the contract?

8           A           No.

9           Q           It was a \$100,000 per year increase?

10          A           I believe so.

11          Q           Did you receive any comment from your

12       constituents regarding this tax increase?

13          A           Please rephrase the question.

14          Q           Yes. Did you receive any comment from

15       your constituency regarding this proposal to

16       raise taxes by 70 percent?

17          A           Yes.

18          Q           Can you generally describe whether or

19       not that comment was positive for passing the

20       increase or negative against the increase?

21          A           Positive or negative.

22          Q           For or against.

23          A           For.

24          Q           Do you recall receiving any negative

25       comment?

1                               - Brett Yagel -

2           A           Yes.

3           Q           Was it generally more favorable than  
4 less favorable?

5           A           No.

6           Q           So are you suggesting that the comment  
7 that you received was about even?

8           A           That I received, yes.

9           Q           Did you vote to pass the tax increase?

10          A           Yes.

11          Q           Who is the head of Preserve Ramapo  
12 now?

13          A           I believe Bob Rhodes.

14          Q           Prior to him who was the head of  
15 Preserve Ramapo, if you know?

16          A           I do not know.

17          Q           Do you know the name Michael  
18 Castelluccio?

19          A           Yes.

20          Q           Do you know whether or not he was ever  
21 the head of Preserve Ramapo?

22          A           Do I know if he was ever the head of  
23 Preserve Ramapo? Yes.

24          Q           Would he have been the head of  
25 Preserve Ramapo prior to Bob Rhodes?



1                               - Brett Yagel -

2           A           Do I know if -- your question was do  
3 you know -- can you read back the question?

4                       MR. PELOSO: He asked was your answer  
5 yes he was the head or yes you know he was  
6 the head.

7           A           No, he was not the head.

8           Q           Was Mr. Castelluccio ever the head of  
9 Preserve Ramapo, to your knowledge?

10          A           To my knowledge, no.

11          Q           To your knowledge was Mr. Bob Rhodes  
12 always the head of Preserve Ramapo?

13          A           Yes.

14          Q           Do you know Michael Tauber?

15                       MR. PELOSO: Does he know him  
16 personally?

17          Q           Yes. Do you know him personally?

18          A           No.

19          Q           Do you know whether or not he has any  
20 affiliation with the Rabbinical College of  
21 Tartikov?

22          A           Yes.

23          Q           What do you know about that?

24          A           He is the developer.

25          Q           How do you know that?

1                               - Brett Yagel -

2           A           Through newspaper articles,  
3 litigation.

4           Q           Litigation, you are talking about the  
5 subject litigation that we are here for today; is  
6 that what you mean?

7           A           Yes.

8           Q           Do you know anything about Mr. Tauber  
9 as it relates to any other litigation besides  
10 this case?

11                       MR. PELOSO: Object to the form. Are  
12 you saying does he know whether he's in any  
13 other litigation?

14           Q           Strike that.

15                       You indicated litigation and that's  
16 one of the reasons you know Mr. Tauber. Do you  
17 personally know whether or not Mr. Tauber has  
18 been in any other litigation against the Village  
19 of Pomona?

20           A           I have no knowledge of that.

21                       MR. STEPANOVICH: (Handing document to  
22 be marked.)

23                       (Whereupon, Email dated 8/7/07, Bates  
24 No. POM16947, was marked Plaintiff's Exhibit  
25 136 for identification.)

1                               - Brett Yagel -

2           Q           Handing you what's been marked as  
3   Plaintiff's Exhibit 136.

4           A           Yes.

5           Q           You've seen this document before?

6           A           Yes.

7           Q           At the top it appears to be an email  
8   from you; is that right?

9           A           Yes.

10          Q           Dated August the 7th, 2007; is that  
11   right?

12          A           Yes.

13          Q           Sending it to Nick Sanderson and Rita  
14   Louie at Pomona Village Hall; is that right?

15          A           Yes. Pomona village email.

16          Q           Yes, that's what I said.

17          A           No, you said Pomona Village Hall.

18          Q           You know, your distinction is noted on  
19   the record.

20                       At the top it says, "Tauber (Michael),  
21   broker for Tartikov. Second largest donation to  
22   CSL. Hit PR airwaves last night. B."

23                       Did you write this email?

24          A           Yes.

25          Q           Why did you send this email to Nick

1                               - Brett Yagel -

2       Sanderson and Rita Louie?

3           A           Because of the second largest donation  
4       to the St. Lawrence campaign traced back to  
5       Tartikov developer.

6           Q           Why is that important to you?

7                       MR. PELOSO:   Object to the form.

8           Q           Why was that important to you?

9                       MR. PELOSO:   Object to the form.

10          A           I thought it was interesting that Mr.  
11       Tartikov or Mr. Tauber had donated \$3500 to the  
12       supervisor campaign in the Town of Ramapo.

13          Q           Why was that interesting to you?

14          A           I just thought it was interesting.

15          Q           Where did you get this information  
16       that Mr. Tauber contributed money to Mr. St.  
17       Lawrence?

18          A           From the email that was sent to me by  
19       Preserve Ramapo highlighted in Exhibit 136.

20          Q           Why did you pass this email onto Nick  
21       Sanderson and Rita Louie?

22                       MR. PELOSO:   Asked and answered.

23          Q           I don't know if I asked that question,  
24       but if I did I apologize and I'm asking it one  
25       more time.

1                               - Brett Yagel -

2                   MR. PELOSO: You can answer.

3           A           I thought it was interesting.

4           Q           Can you describe what your definition  
5 of interesting is in this context, Mr. Yagel?

6           A           Mr. Tauber was the developer or is the  
7 developer of a yet-to-be-proposed site in the  
8 village. And I thought it was interesting that  
9 he had donated \$3500 to the Christopher St.  
10 Lawrence campaign.

11          Q           For the record, Christopher St.  
12 Lawrence is the Town Supervisor in the Town of  
13 Ramapo, right?

14                   MR. PELOSO: Presently?

15          Q           He was at the time in August of '07;  
16 is that right?

17          A           Yes.

18          Q           Is Mr. St. Lawrence still the Town  
19 Supervisor in Ramapo?

20          A           Yes.

21          Q           What did Mr. St. Lawrence have to do  
22 with the Tartikov property located in Pomona, if  
23 you know?

24          A           I do not know.

25          Q           Were you suggesting in this email that

1                               - Brett Yagel -

2       Mr. Tauber was expecting some special treatment  
3       from Mr. St. Lawrence?

4           A           Like I said, I thought it was  
5       interesting.

6           Q           You were on the board of trustees in  
7       August of '07, correct?

8           A           Yes.

9           Q           Why didn't you send this e-mail to the  
10      entire board of trustees?

11          A           Because Nick Sanderson and Rita Louie  
12      were my running mates in the campaign.

13          Q           By this time you had already been  
14      elected to the board of trustees; is that right?

15          A           Yes.

16          Q           And there were other members on the  
17      board besides Nick Sanderson and Rita Louie; is  
18      that right?

19          A           Yes.

20          Q           You're familiar with the New York  
21      rules on closed session meetings for public  
22      bodies?

23          A           Yes.

24          Q           Can you generally describe your  
25      understanding of those rules?

1                               - Brett Yagel -

2           A           Closed sessions meaning executive  
3 session?

4           Q           Yes.

5           A           To discuss matters of litigation and  
6 personnel.

7           Q           What is your understanding of matters  
8 of litigation? If you can expand that  
9 definition, please.

10          A           Strategy sessions, actions against the  
11 village that might have occurred that need to be  
12 discussed.

13          Q           Is that related to matters of  
14 litigation that are currently pending?

15          A           No.

16          Q           So the executive session in your  
17 opinion includes meetings dealing with litigation  
18 that is not pending?

19          A           It could be.

20          Q           Could you describe your understanding  
21 of executive sessions in that context?

22          A           If the village wants to file an  
23 Article 78 against say another municipality we  
24 would discuss that in executive session.

25          Q           Or in your opinion is executive

1                               - Brett Yagel -

2       session authorized if there is litigation  
3       threatened against the Village of Pomona?

4           A           Can you rephrase that?

5           Q           Sure, yes. I'm trying to understand  
6       the definition of litigation, and you're helping  
7       me, but I want to just make sure that I  
8       understand completely.

9                       In your opinion is the Village of  
10      Pomona authorized to go into executive session  
11      and discuss a matter that potentially may arise  
12      in litigation?

13                   MR. PELOSO: Object to the form.

14          A          If it's strategy, yes.

15          Q          Do you know if there's any standards  
16      or requirement that defines matters of litigation  
17      that have not been filed yet?

18          A          Can you rephrase that?

19          Q          Yes. I think you answered that in  
20      your opinion the village board could go into  
21      executive session in an instance when a lawsuit  
22      has not yet been filed. Did I accurately reflect  
23      your statement on that?

24          A          Yeah.

25          Q          So what triggers that determination of



1                               - Brett Yagel -

2       whether or not you can go in and discuss a matter  
3       regarding a lawsuit that has yet not to be filed?

4           A           Some type of overt action by another  
5       party.

6           Q           Like what?

7           A           A letter.

8           Q           That says what?

9           A           That says, for example it might state  
10       we would like to meet with, you know, rather than  
11       litigate.

12          Q           Are you referring to letters that came  
13       from Mr. Savad to the board of trustees regarding  
14       meeting with the village on this property?

15          A           Yes.

16          Q           And you're aware that letters did come  
17       to the village from Mr. Savad in this regard; is  
18       that right?

19          A           Correct.

20          Q           And you interpret those letters to  
21       meet as a potential litigation matter?

22                       MR. PELOSO: Object to the form.

23          A           Those letters?

24          Q           Yes, sir.

25          A           Yes. As well as other statements that

1                               - Brett Yagel -

2       were made by Mr. Savad.

3               Q           Let's talk about the letters, first of  
4       all.   What was your recollection of those letters  
5       that led you to believe that there was a threat  
6       of litigation?

7                       MR. PELOSO:   I'm just going to  
8       instruct the witness again in terms of to  
9       the extent there are any questions regarding  
10      the deliberations of the board even with  
11      counsel on the subject laws and in  
12      connection with these letters and the  
13      subject laws you are free to answer the  
14      questions.

15                    To the extent that any of the  
16      questions will require you to reveal  
17      discussions regarding litigation strategy or  
18      anticipated litigation strategy, that's  
19      privileged communication.

20                    With that caveat you're free to answer  
21      the question.

22               A           Mr. Savad had made overtures in the  
23      paper, publicly in the paper saying that his  
24      client was well financed and that if he had to  
25      use RLUIPA he would.   Some letters had been

1                               - Brett Yagel -

2       received by the village regarding meeting with  
3       clients, Mr. Tauber, I don't know if it was Mr.  
4       Tauber or Mr. Savad, regarding the  
5       yet-to-be-proposed project. And then there were  
6       letters that were sent back on behalf of the  
7       village stipulating that it would be premature at  
8       this time to meet with them because no proposal  
9       had yet been received, no application.

10       Q       In your tenure on the village board of  
11       trustees there was never a meeting with a  
12       proposed developer before any kind of application  
13       was filed?

14       A       To my knowledge correct, while I have  
15       been mayor or trustee.

16       Q       Why is that?

17       A       Because it would violate the  
18       Constitution in New York State.

19       Q       In what regard?

20       A       In regards to open meetings laws and  
21       due process.

22       Q       How would that be?

23       A       It would be inappropriate for an  
24       applicant to have a discussion, because it could  
25       be binding later on down the road, without having

1                               - Brett Yagel -

2       an application filed.

3           Q           Since you've been on the board of  
4       trustees have you ever participated in any  
5       trustee workshops?

6           A           Yes.

7           Q           And those are held monthly?

8           A           The workshops are held on the second  
9       Monday, usually on the second Monday of the  
10      month.

11          Q           Those are less formal than the normal  
12      board of trustee meetings?

13          A           What do you mean by less formal?

14          Q           Just tell me generally the purpose of  
15      the workshops.

16          A           It's basically a working session to  
17      discuss different issues, processes,  
18      improvements, procedures that can be improved  
19      upon at village hall.

20          Q           The public is invited to attend those  
21      workshops, right?

22          A           Yes.

23          Q           Have you ever heard of the term  
24      community review committee?

25          A           The CRC board, yes.

1                               - Brett Yagel -

2           Q           Does the Village of Pomona have a CRC  
3 board?

4           A           We have a TAC board.

5           Q           TAC stands for what?

6           A           I believe it's Technical Advisory  
7 Committee.

8           Q           Who is on that board?

9                       MR. PELOSO:   Presently?

10          Q           Yes, generally who --

11          A           Generally it's the planner, the  
12 attorney, I believe the village engineer and  
13 sometimes the building inspector or the secretary  
14 to the building department, which is new, the  
15 building inspector and the secretary.

16          Q           Does any representative of the board  
17 of trustees sit on that committee?

18          A           No, usually not.

19          Q           How about any representative of the  
20 Village Planning Board, do they sit on that  
21 committee?

22          A           What do you mean by representative?

23          Q           Does that committee involve or include  
24 any member of the Village Planning Board?

25          A           I don't believe so.

1                               - Brett Yagel -

2           Q           Does the TAC committee meet on a  
3 regular basis?

4           A           Ad hoc.

5           Q           What determines their meetings?

6           A           An application being filed.

7           Q           So an application being filed triggers  
8 a TAC meeting?

9           A           It could, yes.

10          Q           What else would trigger a TAC meeting?

11          A           To be quite truthful, I've given you  
12 everything that I know regarding TACs.

13          Q           For the record, as you sit here today  
14 you're not in a position to testify entirely  
15 about TAC meetings and the standards for those  
16 meetings within the Village of Pomona?

17                       MR. PELOSO: Object to the form.

18          Q           You understand?

19          A           Say it again.

20                       MR. STEPANOVICH: Can you read it  
21 back, please?

22                       (The question was repeated.)

23          A           Only to what I have given you.

24          Q           Okay. You want a break?

25          A           Yes.

1                               - Brett Yagel -

2                   MR. STEPANOVICH: Let's take one now,  
3           a five minute break.

4                   (Recess held.)

5           Q       Mr. Yagel, are you familiar with the  
6   adult student housing zoning in the Town of  
7   Ramapo?

8           A       Yes.

9           Q       Can you generally describe your  
10   knowledge of the adult student housing?

11          A       It was a law that was enacted by the  
12   Town of Ramapo that allowed for 10 percent  
13   related to educational facilities and I believe  
14   90 percent related to housing.

15          Q       And that's a law in the Town of  
16   Ramapo, correct?

17          A       It was a law. I don't know if it's  
18   still in existence, actually.

19          Q       Do you know when it was a law,  
20   approximately?

21          A       Approximately 2004, 2005 I believe.  
22   But don't quote me on that.

23                   MR. PELOSO: Well, you are quoted.

24          Q       You can qualify your answer as much as  
25   you want.

1                               - Brett Yagel -

2           A           It was before I was trustee.

3           Q           Did you ever have any opportunity to  
4 comment to the Town of Ramapo regarding the adult  
5 student housing laws?

6           A           I do not recall.

7           Q           At any time during the time they were  
8 being proposed or once they were passed did you  
9 have a personal opinion on adult student housing  
10 laws in Ramapo?

11                       MR. PELOSO: You mean on the law he  
12 just described?

13          Q           Yes, on the law you just described.

14          A           Personal opinion?

15          Q           Yes.

16          A           Yes.

17          Q           What is that?

18          A           I thought it was unfair for the  
19 existing tax base to have an additional burden  
20 based upon the law.

21          Q           The existing tax base would mean the  
22 current tax base or taxpayers within the Town of  
23 Ramapo?

24          A           Yes.

25          Q           Was it your opinion that the adult



1                               - Brett Yagel -

2       student housing laws would increase their tax  
3       obligation?

4           A           Yes.

5           Q           And how would that happen in your  
6       opinion?

7           A           It would shift the burden of the  
8       services that were provided by the town to the  
9       other tax property owners.

10          Q           How would that happen?

11          A           How would that happen?

12          Q           Yes.

13          A           If, for example, a development was  
14       built and this law was applicable to the  
15       development and the properties were exempt from  
16       taxes, the town if it was part of a dedicated  
17       road would still have to incur costs associated  
18       with the plowing, the paving, et cetera.

19          Q           Do you recall the specific number of  
20       units that would be permitted per acre in  
21       Ramapo's adult student housing law?

22          A           Specifically, no.

23          Q           You talked about exempting properties.  
24       Why would those properties be exempt?

25          A           Educational use.

1 - Brett Yagel -

2           Q           Was the adult student housing use  
3   associated with an educational use?

4	A	Yes.
---	---	------

5 Q Do you recall or do you know how the  
6 educational use was defined?

7           A           I do not recall. It was just  
8 educational.

9 Q So that I can understand, the adult  
10 student housing law applied to educational uses;  
11 is that correct?

12 MR. PELOSO: To the extent it calls  
13 for a legal conclusion, I object.

14	Q	To your knowledge.
----	---	--------------------

15 MR. PELOSO: To your knowledge.

16           A       To my knowledge, yes.

17 Q Do you know whether or not  
18 developments occurred within Ramapo using the  
19 adult student housing law?

20	A	Yes.
----	---	------

21 Q Do you know generally whether or not  
22 the Orthodox, Hasidic community lives in those  
23 adult student housing complexes?

24	A	Yes.
----	---	------

25 MR. PELOSO: Wait. Just so I'm clear,

1                               - Brett Yagel -

2           yes you know or yes you know they do?

3           A           I know there's four sites that were  
4   designated and I believe one of them. I don't  
5   know if the others have been developed. I know  
6   one we have been involved in litigation over.

7           Q           Which one is that?

8           A           The Nike base.

9           Q           When you say we, you are talking about  
10   the Village of Pomona?

11          A           The four villages versus.

12          Q           Is that the Chofetz Chaim case?

13          A           Yes.

14          Q           The four villages involved in that  
15   litigation, what are they?

16          A           Montebello, Chestnut Ridge, Wesley  
17   Hills and the Village of Pomona.

18          Q           Is that litigation still going on?

19          A           Yes.

20          Q           To your understanding what is that  
21   litigation about?

22          A           The adult student housing law.

23          Q           What --

24          A           And SEQRA.

25          Q           What is the village's, Pomona's

1                               - Brett Yagel -

2       position in that litigation?

3                       MR. PELOSO: Again, to the extent this  
4       is public knowledge you can reveal that.

5       Q           Yes, 100 percent agree with your  
6       counsel.

7       A           What was your question again?

8       Q           I'm trying to get an idea of your  
9       understanding of the lawsuit. You called it a  
10      lawsuit?

11      A           Yes.

12      Q           Of the lawsuit among the villages and  
13      I think it's Chofetz Chaim, I'm trying to get an  
14      understanding of what that lawsuit is about.

15      A           It was a violation of SEQRA.

16      Q           So the villages claimed that the  
17      Chofetz Chaim violated SEQRA?

18      A           Not that Chofetz Chaim violated SEQRA,  
19      but that the town -- the SEQRA process was not  
20      fully followed with notifications.

21      Q           So there wasn't -- in the villages'  
22      opinion, there wasn't complete compliance with  
23      SEQRA in the Town of Ramapo?

24      A           That's part of public record, so...

25      Q           I'm just trying to get an idea, an

1                               - Brett Yagel -

2       understanding of what the position was.

3           A           I don't know what the position was  
4       originally.

5           Q           To your knowledge it's a SEQRA issue?

6           A           SEQRA issue.

7           Q           Do you believe that the proposal of  
8       the rabbinical college could be located in  
9       Ramapo?

10                       MR. PELOSO: Just so I'm clear, are  
11       you asking that the rabbinical college --

12                       MR. STEPANOVICH: What he knows about  
13       the proposal.

14           Q           Do you believe that it could be  
15       located within the Village of Ramapo?

16           A           Yes.

17           Q           Why is that?

18           A           It could be located anywhere you want  
19       to -- that the zone allows and an application is  
20       filed.

21           Q           Do you believe it could be located  
22       within the Town of Ramapo because it has adult  
23       student housing legislation on the books?

24           A           I can't answer that.

25                       MR. STEPANOVICH: (Handing document

1                   - Brett Yagel -

2           to be marked.)

3                   (Whereupon, Emails, Bates No.

4           POM16953, was marked Plaintiff's Exhibit 137

5           for identification.)

6           Q        I'm handing you what's been marked,  
7   Mr. Yagel, as Plaintiff's 137.  If you could take  
8   a look at that?

9           A        (Complying.)  Yes.

10          Q        Now, Exhibit 137 is an email sent by  
11   you; is that right?

12          A        That's correct.

13          Q        You sent it to deerkill@att.net,  
14   correct; is that right?

15          A        Correct.

16          Q        Do you know whose email that is?

17          A        Bob Rhodes.

18          Q        You sent it also to Bob Prol; is that  
19   right?

20          A        I responded to him, yes.

21          Q        And you copied Rita Louie and Nick  
22   Sanderson; is that right?

23          A        Yes.

24          Q        Again, at this time in July of '07 you  
25   were a member of the Village Board of Trustees?

1                               - Brett Yagel -

2           A           Yes.

3           Q           But the other members of the village  
4 board were not copied on this email; is that  
5 right?

6           A           Yes.

7           Q           The top half of this document appears  
8 to be an email written by you; is that right?

9           A           Yes.

10          Q           Did you write that email?

11          A           Yes.

12          Q           You write, "Good point Bob. Also  
13 their comment 'there is no other location for the  
14 rabbinical college anywhere near the population  
15 that will be served by this institution, as all  
16 surrounding jurisdictions' zoning codes prohibit  
17 such use.'"

18                       Did I read that accurately?

19          A           Yes.

20          Q           Where did that quote come from?

21          A           It came from the response from a  
22 tartikov@tartikovcollege.org response to Mr.  
23 Prol's email, second sentence.

24          Q           The next paragraph says, "What about  
25 the ASH areas in Ramapo?"

1                               - Brett Yagel -

2                   Are you referring to the adult student  
3 housing areas in Ramapo?

4           A           Yes.

5           Q           What do you mean by that sentence?

6           A           At the time I believe that there was  
7 an adult student housing law still on the books  
8 in the Town of Ramapo where this could  
9 potentially be situated.

10          Q           Your next sentence says, "Why is it  
11 okay for them to adhere to and respect the zoning  
12 laws in the surrounding areas but not the Pomona  
13 zoning laws?"

14                   Did I read that accurately?

15          A           Yes.

16          Q           What do you mean by them, the word  
17 them?

18          A           Tartikov organization.

19          Q           At the time you wrote this email did  
20 you believe that zoning existed in the Town of  
21 Ramapo where this Tartikov project could be  
22 located?

23          A           Yes.

24          Q           Then you write, "Probably because they  
25 thought we were a small village and they could



1                               - Brett Yagel -

2       run over us."

3                       Is that what you write?

4       A       Yes.

5       Q       What did you mean by that?

6       A       I'm referring to Paul Savad's comment  
7       again saying his client was well financed.

8       Q       Did you interpret that as some kind of  
9       threat?

10      A       Yes.

11      Q       What did you specifically interpret  
12      that as?

13      A       Litigation.   RLUIPA.

14      Q       What do you know about RLUIPA?

15               MR. PELOSO:   Again, he's not a lawyer  
16      so objection.   But you can certainly answer  
17      based on your knowledge.

18      A       I believe it's flawed.   I believe it  
19      relegates everybody except the religious --  
20      regarding the religious land use aspect.   It  
21      relegates those who are not of a religious entity  
22      to a second class citizenry with regards to  
23      zoning.   If a commercial development wanted to  
24      come into the village, we are not zoned for that.  
25      We are zoned R40.   We have actually one

1                               - Brett Yagel -

2       commercial entity in the village, which is now  
3       the All Creatures Animal Hospital. But I believe  
4       that RLUIPA relegates property owners to a second  
5       class status with regards to the law.

6           Q           What property owners are you referring  
7       to?

8           A           Residential property owners, business  
9       property owners, industrial property owners.

10          Q           You recognize that RLUIPA is a federal  
11       statute; is that right?

12          A           Yes.

13          Q           And you indicated that you had an  
14       opinion that it was flawed. Did you just set  
15       forth all the reasons why you believed RLUIPA was  
16       flawed?

17          A           No.

18          Q           What are the other reasons?

19          A           Least restrictive means, part of the  
20       statute. You know, to use the least restrictive  
21       means.

22          Q           What does that mean to you?

23                       MR. PELOSO: Same objection.

24                       MR. STEPANOVICH: Sure, I understand.

25          A           Again, I mean if you're a commercial

1                               - Brett Yagel -

2       enterprise or you're an industrial enterprise or  
3       you're a small business, you are subjected to  
4       local zoning laws. However, I feel that this  
5       RLUIPA law trumps all the other people and gives  
6       a higher priority to other organizations that  
7       happen to be of a religious nature.

8               Q           You just used the term least  
9       restrictive means. Is that what you understood  
10      the term least restrictive means to be?

11            A           I believe that's how it's specified in  
12      the statute. But then again, I'm not an  
13      attorney.

14            Q           I understand. And I'm not asking you  
15      to divulge any information that you received from  
16      your counsel.

17                        But you are a village officer of  
18      Pomona, correct?

19            A           Yes.

20            Q           And as such you have a fiduciary  
21      obligation; is that right?

22            A           Yes.

23            Q           And does that include upholding a  
24      federal statute?

25            A           Yes.

1                               - Brett Yagel -

2           Q           I think you used the term hammer. Did  
3 you use that term, RLUIPA is a hammer?

4                       MR. PELOSO: I object. I don't think  
5 he used it.

6           Q           Then I'll withdraw it.

7                       Have you ever used that term that  
8 RLUIPA has been used as a hammer?

9           A           I may have.

10          Q           What do you mean by that?

11          A           I think it's an overreach by the  
12 Federal Government to come into local zoning  
13 issues.

14          Q           What do you understand about the basis  
15 for the law being passed at all?

16                       MR. PELOSO: Again, same caveat.  
17 Legal conclusion.

18                       MR. STEPANOVICH: Exactly. Noted.

19          A           I understand that not all sides were  
20 truly represented when this law was passed. That  
21 the Congress went and passed it, it was not fully  
22 informed.

23          Q           Do you know anything about the federal  
24 circuits' jurisdiction in the United States?

25          A           No.

1                               - Brett Yagel -

2           Q           Have you ever heard of the term the  
3 Second Circuit Court of Appeals?

4           A           Yes.

5           Q           Do you understand their jurisdiction?

6           A           No.

7           Q           Are you aware that the Second Circuit  
8 Court of Appeals has upheld RLUIPA as being a  
9 constitutional statute?

10          A           I have heard that the Institutional  
11 Persons Act has been upheld. But I have not  
12 heard that the Religious Land Use aspect has been  
13 upheld.

14          Q           You're aware that there was a case  
15 concerning RLUIPA that made it to the United  
16 States Supreme Court, are you aware of that?

17          A           No.

18          Q           What steps have you taken to deal with  
19 this flawed nature as you describe it of RLUIPA,  
20 what have you done?

21                   MR. PELOSO: Are you talking about him  
22 personally or in his capacity as mayor?

23                   MR. STEPANOVICH: No. We'll start  
24 with personally.

25                   MR. PELOSO: Objection. If any.

1                               - Brett Yagel -

2           Q           Then I'll withdraw the question.

3                       What steps have you taken in your  
4 official capacity as a trustee of the Village of  
5 Pomona to cure this flawed nature of RLUIPA?

6                       MR. PELOSO: Object to the form.

7           Q           If you understand you can answer.

8           A           Can I answer this?

9           Q           Sure.

10          A           I have had informal conversations with  
11 federal representatives.

12          Q           Like who would that be?

13          A           U.S. Senator Hillary -- Gillibrand,  
14 Kirsten Gillibrand. U.S. Congresswoman Nita  
15 Lowey.

16          Q           When were those conversations?

17          A           Last year I had a conversation with  
18 Kirsten Gillibrand briefly. And I believe it was  
19 the year before that with Nita Lowey.

20          Q           Did any further meetings result of  
21 those conversations?

22          A           No.

23          Q           Have you had any meetings with any  
24 other governmental officials besides those two  
25 regarding RLUIPA?

1                               - Brett Yagel -

2           A           I cannot recall.

3           Q           Have you had any meetings with anyone  
4 else regarding your opinion, in your official  
5 capacity, on RLUIPA?

6           A           Yes.

7           Q           Who would that be?

8           A           Counsels.

9           Q           Counsels?

10          A           (Indicating.)

11          Q           Oh, okay. Off limits.

12                       MR. PELOSO: Just let the record  
13 reflect the Mayor waved his hand at myself  
14 and Miss Ulman.

15          Q           As it relates to this litigation?

16          A           Yes.

17                       Can you ask that question again?

18                       MR. STEPANOVICH: I'll let her read it  
19 back.

20                       (The following question was repeated:  
21 Have you had any meetings with anyone else  
22 regarding your opinion, in your official  
23 capacity, on RLUIPA?)

24          A           Okay, thank you.

25                       What's the question before that?

1                               - Brett Yagel -

2           Q       Are you okay with that question?

3           A       Yes, I'm okay with that question.

4           Q       And your answer to that question?

5           A       Yes, thank you.

6           Q       If you want the court reporter to go  
7 back one prior, feel free.

8           A       Could you?

9           Q       Sure.

10                   (The following question and answer  
11 were repeated:

12                   Q    Have you had any meetings with any  
13 other governmental officials besides those  
14 two regarding RLUIPA?

15                   A    I cannot recall.)

16           A       Thank you.

17           Q       Is that your answer?

18           A       Yes.

19           Q       Well, have you in your official  
20 capacity had any meetings with anyone regarding  
21 your position on RLUIPA, besides those people  
22 that we have just spoken about?

23           A       Do not recall.

24           Q       Do you recall the timing of your  
25 campaign back in 2007, do you recall when you



1                               - Brett Yagel -

2       started your campaign for election in 2007?

3           A           Approximately.

4           Q           When would that have been?

5           A           Started collecting signatures for the  
6       campaign the first day that they were allowed.

7           Q           When would that have been?

8           A           Very early January. I don't know the  
9       specific date, but whatever date specified on  
10      the...

11          Q           Did you run on a slate of candidates?

12          A           Yes.

13          Q           Who else did you run with?

14          A           Nicholas Sanderson was running for  
15      mayor, myself and Rita Louie.

16          Q           Did you know Nicholas Sanderson prior  
17      to running for office on his slate?

18          A           Yes.

19          Q           How did you know him?

20          A           He was my neighbor.

21          Q           How long was he your neighbor prior to  
22      the election of 2007?

23          A           Since the day I moved into my home.

24          Q           1998?

25          A           1998.

1                               - Brett Yagel -

2           Q           Why did you run for office in 2007?

3           A           Enact change, get the community back,  
4 a sense of community which had been lost to  
5 reconnect. To ensure that the zoning codes and  
6 the laws of Village of Pomona would be upheld.  
7 To preserve the environment. Beautiful place for  
8 my kids to grow up.

9           Q           What effect did the Tartikov project  
10 proposal have on your decision to run for office?

11          A           None, I was already committed prior to  
12 knowing about the yet-to-be-proposed development.

13          Q           So then your knowledge about the  
14 Tartikov land use you acquired prior to your  
15 decision to run for office?

16                   MR. PELOSO: Objection. That's not  
17 what he said.

18          A           No. I already answered that.

19          Q           I'm sorry, I didn't understand your  
20 answer.

21          A           Well, it was several hours ago.

22          Q           Well, I'm asking you again, and I  
23 apologize for asking you again. But did you  
24 understand the question?

25          A           Yes.

1                               - Brett Yagel -

2           Q           Can you give me an answer, please?

3           A           Yes.

4           Q           What is it?

5           A           I had no knowledge of the  
6 yet-to-be-proposed Rabbinical College of Tartikov  
7 prior to me running for public office.

8           Q           Well, you knew in January of '07 of  
9 the project, right?

10          A           I knew when I got the email that was  
11 exhibited to me.

12          Q           January 9th of 2007?

13          A           Yes, that's when I first heard of it.

14          Q           When did you start getting your  
15 signatures?

16          A           I believe it might have been January  
17 2nd or January 3rd. But again that would be on  
18 the signature pages that are on file.

19          Q           Did you have a party affiliation when  
20 you ran with Nick Sanderson and Rita Louie?

21          A           Yes.

22          Q           What was that?

23          A           The Village Community Party.

24          Q           The signature pages that you refer to,  
25 were those turned over to counsel? Were they in

1                               - Brett Yagel -

2       your possession?

3           A           I don't recall that I turned them  
4       over. They are part of village records.

5           Q           So you don't have those signature  
6       pages? I'm just trying to understand.

7           A           I don't have the original signature  
8       pages, no. I may have a copy somewhere, but that  
9       wasn't part of this litigation.

10          Q           So the signature pages, if I'm  
11       understanding correctly, you have to acquire a  
12       certain amount of signatures to be put on a  
13       ballot; is that correct?

14          A           Yes.

15          Q           That's what these signature pages are  
16       about?

17          A           Yes.

18          Q           Do you recall how many signatures you  
19       received?

20          A           How many signatures I received?

21          Q           Yes.

22          A           I believe I collected 187 signatures  
23       approximately and I believe the total number  
24       might have been just less than 250.

25          Q           Of eligible signators?

1 - Brett Yagel -

2           A           I believe that at the time only 50  
3   signatures were required and it was based upon  
4   population census.

5 Q So if I'm understanding you correctly,  
6 it was a total eligible voters of 250 and you  
7 received about 187. I am just trying to discern  
8 that.

9           A           No. In order to run you needed to  
10 collect -- in order to get on the ballot without  
11 having a primary to my understanding you needed  
12 to collect a minimum of 50 valid signatures, and  
13 it was based upon a population threshold which I  
14 believe at the time was less than 3,000. I  
15 believe now the village population is greater  
16 than 3,000 and I can't recall if it's 75 or  
17 larger that are required. But I believe I had  
18 about 187, I personally collected 187.

19 Q At some point did you, Mr. Sanderson  
20 and Miss Louie retain Attorney Marci Hamilton?

21	A	Yes.
----	---	------

22 Q Were you three the only ones who  
23 retained Marci Hamilton --

24	A	Yes.
----	---	------

25 MR. PELOSO: You are talking about in

1                               - Brett Yagel -

2           his official capacity?

3           Q           I'm talking about in any capacity.

4           A           We retained her, yes.

5           Q           Do you recall when that was?

6           A           Not the specific date; however, it was  
7 after the plans had been leaked for the Tartikov  
8 proposal and the articles about RLUIPA.

9           Q           Would that have been prior to the  
10 election in March of '07?

11          A           Yes.

12          Q           What was the purpose of retaining Miss  
13 Hamilton?

14                       MR. PELOSO: To the extent there's any  
15 attorney/client communication I instruct you  
16 not to answer the question.

17                       MR. STEPANOVICH: And the basis of  
18 that privilege is?

19                       MR. PELOSO: They retained counsel.

20                       MR. STEPANOVICH: Well, I think he can  
21 disclose the purpose of that.

22          Q           What was the purpose?

23          A           To advise on RLUIPA and its statute.

24          Q           To advise you, Mr. Sanderson and Miss  
25 Louie on RLUIPA?

1                               - Brett Yagel -

2           A           Uh-huh, yes.

3           Q           Did you, Mr. Sanderson and Miss Louie  
4   pay Miss Hamilton for her services?

5           A           Yes.

6                       Can you read that back to me, please?

7           Q           She'll read it back to you, the court  
8   reporter will read that back to you.

9                       (The question was repeated.)

10          A           Yes, she was retained.

11          Q           Did you have a retainer letter with  
12   Miss Hamilton in that regard?

13          A           Mr. Sanderson is in possession of that  
14   retainer letter.

15          Q           You don't have a copy?

16          A           No.

17          Q           Do you know whether or not that  
18   retainer letter was ever produced to your  
19   lawyers?

20          A           I have no idea. Not to my -- I have  
21   no knowledge.

22                       MR. PELOSO: You've answered the  
23   question.

24          Q           Did you, Mr. Sanderson and Miss Louie  
25   hire Miss Hamilton to educate and advise you on

1 - Brett Yagel -

2 RLUIPA?

3 A Yes.

4 Q That representation that we are  
5 referring to now began sometime in January of  
6 2007?

7 A I don't recall the actual date, but I  
8 believe it might have been January 2007.

9 Q Do you recall when that representation  
10 among you, Mr. Sanderson and Miss Louie and Miss  
11 Hamilton ended?

12 MR. PELOSO: I just want to be clear.  
13 Are you asking when Miss Hamilton ceased to  
14 represent the three of them?

15 MR. STEPANOVICH: Yes.

16 MR. PELOSO: Okay, if you understand  
17 the question of course you can answer.

18 A I can't recall.

19 Q Would it have been after your election  
20 in March of '07?

21 A Yes.

22 Q Just generally how did that  
23 relationship terminate, did you indicate that her  
24 services were no longer necessary?

25 A I did not communicate with her.



1                               - Brett Yagel -

2           Q           Did you ever communicate with Miss  
3   Hamilton, not disclosing your communications but  
4   did you ever communicate with her?

5           A           Yes.

6           Q           Do you know whether or not it was Mr.  
7   Sanderson who terminated that relationship?

8           A           I believe so.

9           Q           Do you know when Miss Hamilton was  
10   hired by the village as co-counsel?

11          A           Yes, after we were served I believe.

12          Q           Served with a Complaint?

13          A           Yes.

14          Q           If I were to say to you that it was  
15   sometime in --

16          A           July.

17          Q           -- July of 2007, does that sound  
18   accurate?

19          A           Yes.

20          Q           Was there a single issue that  
21   motivated you to run for mayor?

22          A           Yes.

23          Q           What was that?

24          A           That was the destruction of state and  
25   federally protected wetlands on the Patrick Farm.

1                               - Brett Yagel -

2           Q           Patrick Farm is not located within the  
3 Village of Pomona; is that right?

4           A           Yes.

5           Q           So can you explain to me why that was  
6 the single most important issue in your campaign?

7           A           Not in my campaign; however, Rockland  
8 has a water issue, and the wetlands on the  
9 Patrick Farm were damaged by the developer. And  
10 being that there's a water issue and the water is  
11 a Class A drinking water source that goes into  
12 the headwaters of Mahwah which has a well field  
13 directly across, when somebody starts damaging  
14 the water that we all need someone needs to stand  
15 up.

16          Q           So you were one of the persons that  
17 stood up?

18          A           One of several, yes.

19          Q           When did you start that process?

20                       MR. PELOSO: I'm unclear.

21                       MR. STEPANOVICH: Standing up. I'm  
22 trying to use his terminology.

23          A           2004, when the destruction of the  
24 wetlands were first reported and made public  
25 knowledge.

1                               - Brett Yagel -

2           Q           Did you continue your efforts in that  
3 regard beyond 2004?

4           A           Yes.

5           Q           I want to come back for a second. I  
6 asked you a question and it may have been  
7 confusing. I asked you if there was a single  
8 critical issue in your campaign. And I don't  
9 want to put words in your mouth. Did you say it  
10 was Patrick Farms, was that your answer?

11          A           It was the destruction of the state  
12 and federally protected wetlands on the Patrick  
13 Farm.

14          Q           Do you know the status of the  
15 development of the Patrick Farms project?

16                   MR. PELOSO: Presently?

17          Q           Presently as we sit here today.

18          A           I don't believe there's any  
19 development going on currently. I know we are in  
20 litigation.

21          Q           You say we, are you talking about the  
22 Village of Pomona?

23          A           The Village of Pomona.

24          Q           What's the nature of that litigation?

25          A           The subdivision plans, zoning issues,

1                               - Brett Yagel -

2       SEQRA.

3           Q           Anything else?

4           A           Over-utilization.

5           Q           Of what?

6           A           Of the property.

7           Q           Do you know if all of those issues you  
8       mentioned, are those contained in one lawsuit or  
9       separate lawsuits?

10          A           Separate lawsuits.

11          Q           Those are filed in state court?

12          A           Yes. I believe, yes.

13          Q           Would at least one of those be what's  
14       called an Article 78, if you know?

15          A           I don't know.

16                       MR. STEPANOVICH: It's 12:15. Why  
17       don't we break now for lunch? It's probably  
18       a good time to do that. And we'll reconvene  
19       in about an hour.

20                       MR. PELOSO: That's fine.

21                       (At this time a luncheon recess was  
22       held, after which the deposition resumed.)

23       CONTINUED EXAMINATION

24       BY MR. STEPANOVICH:

25          Q           Mr. Yagel, have you ever hosted any

1                               - Brett Yagel -

2 fund-raisers, gatherings for Preserve Ramapo?

3           A           Yes.

4           Q           When was that?

5           A           I don't recall which campaign it was  
6 for, but it was prior to me being elected.

7                       MR. STEPANOVICH: (Handing document to  
8 be marked.)

9                       (Whereupon, Copy of invitation to a  
10 cocktail party, 10/22/05, Bates No.  
11 LYAGEL00011, was marked Plaintiff's Exhibit  
12 138 for identification.)

13          Q           I'm handing you, Mr. Yagel, what's  
14 been marked as Exhibit 138. Does that refresh  
15 your recollection as to --

16          A           Yes.

17          Q           So when was it that you hosted a  
18 fund-raiser for Preserve Ramapo?

19          A           October 22nd, 2005.

20          Q           Was that the only fund-raiser you  
21 hosted for them, Preserve Ramapo?

22          A           No, there was one at my home, but I  
23 don't recall the year.

24          Q           Would it have been after this or  
25 before this 2005 date?

1                               - Brett Yagel -

2           A           I do not recall.

3           Q           Then to the best of your recollection  
4 you hosted two fund-raisers for Preserve Ramapo?

5           A           Yes.

6           Q           Do you know what the Power of Ten is?

7           A           Yes.

8           Q           What is it?

9           A           It's -- mathematically it's  
10 exponential.

11          Q           Do you know if there's a group or an  
12 organization in Rockland County referred to as  
13 the Power of Ten?

14          A           Yes.

15          Q           Do you know what that organization is?

16          A           I believe it's affiliated with the  
17 East Ramapo School District community.

18          Q           Do you know if they had a mailing or  
19 email list?

20          A           Yes.

21          Q           Were you ever on that email list?

22          A           Yes.

23                      MR. STEPANOVICH: (Handing document to  
24 be marked.)

25                      (Whereupon, Emails, Bates Nos.

1                               - Brett Yagel -

2           POM0031218-20, was marked Plaintiff's  
3           Exhibit 139 for identification.)

4           Q           Take a minute to look at that, please?

5           A           (Complying.)

6           Q           Have you ever seen Exhibit 139 before?

7           A           Yes.

8           Q           When was that?

9           A           The date specified on the email.

10          Q           So the Power of Ten, is it an  
11          affiliation dealing or related to the East Ramapo  
12          School District, if you know?

13          A           I do not know.

14          Q           Do you know why you would be a  
15          recipient in light of the fact that your children  
16          don't go to the East Ramapo School District?

17          A           Yes, I attended one meeting, I can't  
18          recall where but off of Route 45, with I believe  
19          this group.

20          Q           What was the purpose of that meeting?

21          A           The people in attendance were  
22          residents and also parents of children who were  
23          attending the public school district and were  
24          concerned with the cutbacks to the public school  
25          programs that were being enacted.

1                               - Brett Yagel -

2           Q           Did you speak at that meeting?

3           A           Only to state my name.

4           Q           Do you recall how many people were in  
5 attendance at this meeting?

6           A           More than 10, less than 60.

7           Q           The second page, Page 2, the first  
8 full paragraph reads, "There will be 497 homes  
9 built there in various configurations."

10                       Do you understand what "there" is  
11 referring to?

12           A           I believe that had to do with the  
13 subdivision plan that had been filed with the  
14 Town of Ramapo.

15           Q           Would that have been a Patrick Farms  
16 development?

17           A           Yes.

18           Q           In fact, that's the subject of the  
19 email, isn't it, Patrick Farm Development, top  
20 line?

21           A           Yes.

22           Q           Do you know whether or not the Patrick  
23 Farms development was going to be inhabited by  
24 Orthodox, Hasidic Jews?

25           A           No.



1                               - Brett Yagel -

2           Q           Do you know whether or not the  
3 developer for Patrick Farms was an Orthodox or  
4 Hasidic Jew?

5           A           Yes.

6           Q           The developer was in fact an Orthodox  
7 or Hasidic Jew?

8           A           Not the developer, the owner.

9           Q           What was his name?

10          A           Lebovits is his last name.

11          Q           What did you know about the  
12 development of Patrick Farms?

13                       MR. PELOSO: Object to the form as  
14 vague. You can answer the question.

15          A           Only that the original zoning on the  
16 property was one home per two acres. During a  
17 town master -- during many town master plan --  
18 comprehensive master plan meetings it was  
19 downzoned to one home per one acre and  
20 subsequently in the 2000 -- approximately 2009  
21 time frame there was another rezoning to allow  
22 for multi-family use in the center of the  
23 property ringed by single-family homes. And that  
24 the ownership slash developer had violations  
25 cited against him for the destruction of state

1                               - Brett Yagel -

2       and federally protected wetlands in the mid  
3       2000s, I believe it was April 2004.

4               Q           Do you know approximately how many  
5       homes were going to be built in that development?

6               A           Single family homes?

7               Q           Yes.

8               A           It was less than -- the current plan I  
9       believe is less than 50 I believe.

10              Q           This email, first full paragraph on  
11       the second page, says, "There will be 497 homes  
12       built there in various configurations."

13                       Was that your understanding of the  
14       amount of homes being built on Patrick Farms?

15                   MR. PELOSO:   Just what time period are  
16       we talking about?

17              Q           At the time this email was written,  
18       2010.

19                   MR. PELOSO:   He just wants to know  
20       what the time period is when you understood  
21       this.

22              A           This was after the zoning.   It was not  
23       497 homes, it was 497 units.

24              Q           Which translates into how many housing  
25       units, do you recall?

1                               - Brett Yagel -

2           A           Household units?

3           Q           Yes.

4           A           497.

5           Q           The email reads, "Assuming there will  
6   be a minimum of two adults per unit, there will  
7   be 994 more bloc voters to vote down our school  
8   budgets and against our public school Board of  
9   Education candidates."

10                       Is that what it says?

11          A           Yes.

12          Q           Do you have any idea who they mean by  
13   the reference bloc voters?

14          A           No.

15          Q           Could that have been a reference to  
16   the Orthodox, Hasidic Jewish community?

17                       MR. PELOSO:  Objection.  He already  
18   stated no.  You can answer the question.

19          A           Anybody is allowed to buy in Patrick  
20   Farm, so...  You're asking me what I --

21                       MR. PELOSO:  He's asking the  
22   questions.

23          Q           I asked the question:  Could that have  
24   been a reference to the Orthodox, Hasidic Jewish  
25   community?

1                               - Brett Yagel -

2                   MR. PELOSO: Same objection.

3           A           You're asking me to conjecture what  
4   somebody who wrote an e-mail that I had nothing  
5   to do with but I happen to be a recipient of,  
6   what that person was thinking. And I'm saying I  
7   don't know what that person was thinking.

8           Q           Is your answer I don't know what that  
9   person is thinking?

10          A           I don't know what that person is  
11   thinking.

12          Q           That's your answer?

13          A           Yes, sir.

14          Q           The last sentence there, "Assuming  
15   that there will be at least four children per  
16   household, there will be an additional 1988  
17   additional Yeshiva students in the district.  
18   This will spell disaster for our already  
19   struggling school district."

20                       You agree that's what it says?

21          A           Yes.

22          Q           Do you agree with that statement?

23          A           No.

24          Q           Why don't you agree with that  
25   statement?

1                               - Brett Yagel -

2           A           I just don't agree with it.

3           Q           Why not?

4           A           Because anybody is allowed to vote  
5 and -- I just don't agree with it.

6           Q           I think you testified earlier that the  
7 East Ramapo School District was having some  
8 issues. Is that a fair statement?

9           A           Yes.

10          Q           Would part of the issues be the amount  
11 of students within the school district attending  
12 the schools?

13          A           Yes.

14          Q           Do you think the school district is  
15 overcrowded?

16                      MR. PELOSO: Presently?

17          Q           Presently.

18          A           No.

19          Q           I think you had an opinion about the  
20 East Ramapo School District. I'm just trying to  
21 focus in on that. What do you believe the  
22 problems with the school district are?

23          A           Most good school districts have a  
24 broad range of programs, both  
25 educational-related, music-related,

1                               - Brett Yagel -

2   sports-related. And it appears that in more  
3   recent times a lot of these programs have been  
4   cut back due to the actions of the school board.

5       Q       Generally do you know are there  
6   Orthodox, Hasidic individuals on the school  
7   board?

8       A       Yes.

9       Q       Is it your belief that the programs  
10   are being focused or concentrated to address that  
11   Orthodox, Hasidic community?

12                   MR. PELOSO: Object to the form.

13       Q       You're indicating there's been a  
14   cutback in some of the programs.

15       A       Yes.

16       Q       For instance, what programs have been  
17   cut back?

18       A       Band.

19       Q       What else?

20       A       Music, band activities, some sports.  
21   Larger class sizes.

22       Q       Do you know the reason for those  
23   cutbacks?

24       A       They were because the board had to  
25   take action due to their fiduciary

1                               - Brett Yagel -

2       responsibilities, the taxes.

3           Q           What do you mean by that?

4           A           They were running in the red on  
5       certain programs. I can't remember which ones  
6       exactly. But they were running in the red and  
7       they needed to make some decisions rather than  
8       raising taxes, they wanted to hold the line on  
9       tax increases.

10          Q           So certain programs were discontinued?

11          A           Yes.

12          Q           In your mind that's a breach of their  
13       fiduciary duty?

14          A           Yes.

15          Q           You understand what it's like to raise  
16       taxes, right?

17          A           Yes.

18          Q           Tough decision?

19          A           Very.

20          Q           Are there alternatives to raising  
21       taxes, generally speaking?

22          A           Yes.

23          Q           Last spring you allowed people -- the  
24       Village of Pomona allowed speakers to speak at a  
25       workshop concerning the importance of voting in

1                               - Brett Yagel -

2       the East Ramapo School District; was that true?

3           A           We had two individuals that did come  
4       before us who were affiliated with the East  
5       Ramapo School District in some capacity. Whether  
6       they be taxpayers or employees or teachers, I  
7       can't recall what their official capacity was.  
8       But they were concerned with what was happening.

9           Q           Were they Orthodox, Hasidic Jews?

10          A           I didn't ask them.

11          Q           But you generally know how Orthodox or  
12       Hasidic Jews dress in a community, don't you?

13          A           Yes.

14          Q           They are identifiable; is that right?

15          A           Yes.

16          Q           And how are they generally  
17       identifiable?

18          A           They usually -- well, the women  
19       usually wear long dresses down to their ankles,  
20       usually have their arms covered up. And the men  
21       usually have white shirt, dark-colored pants,  
22       tie, neat in appearance. Some have facial hair,  
23       some don't.

24          Q           Were these individuals that appeared  
25       at your meeting dressed in that way?



1                               - Brett Yagel -

2           A           No.

3           Q           Did these speakers at this meeting we  
4 are referring to, were they invited by the  
5 village to speak?

6           A           I can't recall.

7           Q           Was this meeting, was it at a regular  
8 board of trustees meeting or a workshop, if you  
9 recall?

10          A           I recall the location and the room.  
11 But sometimes we have regular meetings upstairs,  
12 but we were in the boardroom upstairs.

13          Q           You said you couldn't recall whether  
14 or not these individuals were dressed in  
15 traditional Orthodox, Hasidic clothing. Do you  
16 recall anything about these speakers?

17                       MR. PELOSO: You are talking  
18 appearance?

19          Q           Appearance-wise, description. I'm  
20 trying to get a description.

21          A           No.

22          Q           Can you say with certainty that these  
23 speakers were non-Orthodox and Hasidic?

24          A           I did not ask them their religion.

25          Q           I don't mean in that context. Can you

1                               - Brett Yagel -

2       say with certainty based on observing their dress  
3       they were not Orthodox or Hasidic?

4               A           No.

5               Q           Do you recall what they spoke about?

6               A           Just that there was an upcoming  
7       election and -- as there were a lot of elections  
8       for school districts in the county in that time  
9       frame. And they asked, you know, that people  
10      come out and vote.

11              Q           I think you said you disagreed with  
12      these last two sentences on Exhibit 139.  
13      "Assuming that there will be at least four  
14      children per household, there will be an  
15      additional 1988 Yeshiva students in the district.  
16      This will spell disaster for an already  
17      struggling school district."

18                        You disagree with that sentiment?

19                       MR. PELOSO: Objection. Asked and  
20      answered.

21              Q           You can answer.

22              A           I disagreed with it, yes.

23              Q           Did you interpret this email as an  
24      attempt to sort of rally the vote?

25                       MR. PELOSO: Objection.

1 - Brett Yagel -

2 A No.

3 MR. PELOSO: Sorry. Objection. Rally  
4 the vote as to what, I don't know.

5 Q What did you believe the purpose of  
6 this email was?

7 A There was a vote to be held in the  
8 Town of Ramapo regarding some of the town board  
9 members on the Patrick Farm. And this individual  
10 I am assuming, you know, what you can do to help.  
11 You can write to the Town of Ramapo voicing your  
12 concerns against the project or you can attend  
13 the meeting or you can email the deputy  
14 supervisor. This was for a vote at the town.

15 Q Town of Ramapo?

16 A Town of Ramapo.

17 Q This was sponsored by the Power of  
18 Ten, correct?

19 A I don't know who it was sponsored by.

20 Q The first page says, "Dear Power of  
21 Ten subscribers," is that what it says?

22 A Yes.

23 Q It was referenced to Patrick Farm  
24 Development; is that right?

25 A Yes.

1                               - Brett Yagel -

2                   MR. STEPANOVICH:  (Handing document  
3                   to be marked.)

4                   (Whereupon, Document entitled, "Why A  
5                   Vote For Preserve Ramapo Is A Vote Against  
6                   Our Community's Interests," Bates No.  
7                   POM33279, was marked Plaintiff's Exhibit 140  
8                   for identification.)

9           Q           I'm handing you, Mr. Yagel, what's  
10           been marked as Plaintiff's Exhibit No. 140.  Take  
11           a look at that, please?

12          A           (Complying.)

13          Q           Did you ever see Exhibit 140 before?

14          A           I don't recall.

15                   MR. STEPANOVICH:  (Handing document to  
16                   be marked.)

17                   (Whereupon, Emails, Bates No.  
18                   POM33278, was marked Plaintiff's Exhibit 141  
19                   for identification.)

20          Q           I'm handing you now, Mr. Yagel, what's  
21           been marked as Exhibit 141.  At the top it  
22           appears to be an email from you, correct, Brett  
23           Yagel?

24                   MR. PELOSO:  Top of the first page?

25          Q           Very, very top, yes, on the first

1                               - Brett Yagel -

2       page.

3           A           Yes.

4           Q           What is that email address  
5       byagel@siac.com?

6           A           That is the Securities Industry  
7       Automation Corporation. That's the technology  
8       arm of the New York Stock Exchange.

9           Q           Is this the email you said you  
10      couldn't send emails from?

11          A           No, this was when -- no, it is not.

12          Q           So this is an email at the Stock  
13      Exchange?

14          A           Yes.

15          Q           Is this where you were working at the  
16      time in November of '05?

17          A           Yes.

18          Q           You were working at the New York Stock  
19      Exchange?

20          A           I was working at the Securities  
21      Industry Automation Corporation.

22          Q           Was this one of the emails that you  
23      searched for preservation of documents?

24          A           I guess it must have been.

25          Q           You pulled all the emails under that

1                   - Brett Yagel -

2       email address and delivered them to your counsel;  
3       is that right?

4           A        My machine was imaged.  If this was on  
5       my machine, then counsel has it.

6           Q        You sent this email to  
7       nick.sanderson@pomonavillage.com, correct?

8           A        Correct.  I forwarded him this email.

9           Q        You forwarded an email?

10          A        I forwarded an email.

11          Q        And the attachment says, "Committee to  
12       Protect Shuls and Yeshivas in Ramapo"; is that  
13       right?

14          A        Yes.

15          Q        And does that not refresh your  
16       recollection as to what Exhibit 140 is?

17          A        Yes.

18          Q        So is Exhibit 140 the attachment to  
19       this email?

20          A        Yes.

21          Q        You write, "Thought you should be  
22       aware that the Village of Pomona is mentioned in  
23       a very negative light with regards to the Yeshiva  
24       Spring Valley."  Signed Brett.  Is that what you  
25       write?

1                               - Brett Yagel -

2           A           Yes.

3           Q           Why did you write that email to Mr.  
4 Sanderson?

5           A           Because in reading Exhibit 140, the  
6 third line beginning with the sentence, "This  
7 includes elected officials in villages such as  
8 Airmont, Chestnut Ridge, Montebello, Pomona and  
9 Wesley Hills."

10          Q           You indicated earlier, Mr. Yagel, that  
11 you didn't have any recollection of when Yeshiva  
12 Spring Valley owned the subject property. Now  
13 after reviewing these two emails does that  
14 refresh your recollection as to when Yeshiva  
15 Spring Valley was the owner of the subject  
16 property?

17          A           Yes.

18          Q           Do you now know when Yeshiva Spring  
19 Valley was the owner of the subject property?

20          A           I do not know the specific dates when  
21 it purchased or sold the property.

22          Q           Do you now know after refreshing your  
23 recollection with these exhibits whether or not  
24 Yeshiva Spring Valley was the owner of the  
25 subject property in November of '05?

1                               - Brett Yagel -

2           A           I am basing it on what's in this  
3 attached Exhibit 140.

4           Q           So is the answer to that question that  
5 yes, in November of '05 you understand that  
6 Yeshiva Spring Valley was the owner of the  
7 subject property?

8           A           Yes.

9                       MR. STEPANOVICH: (Handing document to  
10 be marked.)

11                      (Whereupon, Copy of pamphlet of  
12 Village Community Party, Bates No. POM20045,  
13 was marked Plaintiff's Exhibit 142 for  
14 identification.)

15          Q           I'm handing you, Mr. Yagel, what's  
16 been marked as Plaintiff's Exhibit 142, and ask  
17 if you can identify that, please?

18          A           That is campaign literature when I  
19 first ran for office back in 2007.

20          Q           If you turn to the second page -- if  
21 I'm mistaken, I stand to be corrected. I thought  
22 you testified that the single most important  
23 issue that motivated you to run was the Patrick  
24 Farms development; is that accurate?

25          A           Yes.



1                               - Brett Yagel -

2           Q           If you turn to this Page 2, under  
3   Issues, "The single most important issue facing  
4   the village is clearly the Tartikov development.  
5   We will vigorously defend our land use codes and  
6   regulations."

7                       Is that what it says?

8           A           Where are you reading that?

9           Q           Second page under Issues.

10          A           I testified that when I ran for office  
11   it was prior to knowledge of the  
12   yet-to-be-proposed Tartikov development.

13                      MR. PELOSO:  If I may.  For the  
14   record, I believe also that the witness  
15   testified that the reason he ran for mayor  
16   was that issue, not trustee.  If I'm  
17   mistaken, you can clarify.

18          Q           Do you recall the year of this  
19   pamphlet, when it was published?

20          A           2007.

21          Q           Do you recall approximately when these  
22   pamphlets were distributed?

23          A           I do not.

24          Q           It would have been prior to March  
25   20th, 2007, correct?

1                               - Brett Yagel -

2           A           Yes.

3           Q           Sometime after January, early January  
4 2007 when you got the signatures, correct?

5           A           Yes, after the signatures, yes.

6           Q           So these pamphlets were distributed  
7 sometime between early January and March 20th of  
8 2007; is that correct?

9           A           It could not have been early January.

10          Q           So when would it have been?

11          A           It had to have been after mid January.  
12 I was -- also, I was not -- I contributed to some  
13 of this, but I did not send this personally to  
14 the printer.

15                   MR. PELOSO: You've answered the  
16 question.

17          Q           What did you contribute to this?

18          A           Development and environment, fiscal  
19 and government issues, quality of life.

20          Q           That box there?

21          A           Candidate for trustee.

22          Q           Under candidate for trustee, "Brett's  
23 community service includes active membership in  
24 Preserve Ramapo and The Coalition to Keep Ramapo  
25 Green groups," that block?



1                               - Brett Yagel -

2       be marked.)

3                       (Whereupon, Document Re Pomona  
4       Election, Bates Nos. POM0012596-99, was  
5       marked Plaintiff's Exhibit 143 for  
6       identification.)

7       Q       I'm handing you now, Mr. Yagel, what's  
8       been marked as Plaintiff's Exhibit No. 142,  
9       correct?

10                   MR. PELOSO: 3.

11       Q       143. If you could review that,  
12       please? Initially I'm going to ask you if you  
13       know who composed this document?

14       A       I did.

15       Q       You composed this document.

16                   And on the left-hand side there's a  
17       column that has some language. Where did you  
18       retrieve those comments?

19                   THE WITNESS: (Addressing counsel) Do  
20       you know where those comments are from?  
21       Those are from the Complaint --

22                   MR. PELOSO: No, no, he asks you the  
23       questions, you answer the questions.

24       Q       I'm asking where you got this?

25                   MR. PELOSO: Where did this

1                   - Brett Yagel -

2           information come from?

3           A           This information on the left came from  
4           the Complaint that was filed with the village.

5           Q           What was the purpose of this document?

6           A           We had been asked by counsel to  
7           research the Complaint to see if we could find  
8           anything related to this Complaint.

9           Q           So then --

10          A           I should point --

11                   MR. PELOSO:  No, you finished your  
12          answer.

13          A           Yes.

14          Q           If your answer is not complete --

15          A           Yes.  My answer is complete.

16                   MR. PELOSO:  Once you complete the  
17          answer, that's fine.

18                   MR. STEPANOVICH:  Let's let him decide  
19          if he's completed his answer.

20                   MR. PELOSO:  I'm not coaching him.

21                   MR. STEPANOVICH:  Well, okay.

22          Q           Did you finish your answer, Mr. Yagel?

23          A           Yes.

24          Q           So on the right-hand side, Mr. Yagel,  
25          did you prepare -- did you compose everything on

1                   - Brett Yagel -

2   the right-hand side?

3       A       I pulled it from the known sources on  
4   the right-hand side, which was I believe the  
5   Village Community Party pamphlet and/or the  
6   website that had been set up for the campaign.

7       Q       So when you say pamphlet, you are  
8   talking about the campaign material?

9       A       Yes.

10      Q       And then from the village hall  
11   website?

12      A       No.

13      Q       I'm sorry. Where --

14      A       From the campaign website.

15      Q       So the source of the information on  
16   the right came from the campaign website, the  
17   campaign pamphlet and where else?

18              MR. PELOSO: You are talking about all  
19   pages, correct?

20      Q       All pages, yes, so you got to look  
21   through it. I'm just trying to get an  
22   understanding of the source.

23      A       The source of the left column was the  
24   Complaint, which I believe I received -- may have  
25   received in PDF format. And the right side I

1                               - Brett Yagel -

2       believe was the pamphlet for the Community  
3       Village Party website that Mr. Sanderson had set  
4       up.

5           Q           Who did you distribute this document  
6       to, 143?

7           A           I believe I may have given it to Mr.  
8       Sanderson. I know I gave a copy to counsel at  
9       one point.

10                   MR. STEPANOVICH: (Handing document to  
11       be marked.)

12                   (Whereupon, Email dated 8/3/07, Bates  
13       No. POM21331, was marked Plaintiff's Exhibit  
14       144 for identification.)

15           Q           I'm handing you what's been marked,  
16       Mr. Yagel, as Plaintiff's Exhibit 144. Take a  
17       look at that, please?

18           A           (Complying.) Yup.

19           Q           It's an email from you, correct?

20           A           Yes.

21           Q           To Nick Sanderson, Rita Louie; is that  
22       right?

23           A           Yes.

24           Q           The subject is, "I located the  
25       election video interviews with the Journal News

1                   - Brett Yagel -

2       in March"; is that right?

3           A       Yes.

4           Q       In the bottom half of the first page  
5       appears to be -- what is that, can you describe  
6       that, please? The bottom half of the first page.

7                   MR. PELOSO: Starting with "Yagel  
8       Election"?

9           Q       Yes. "Video at Journal News Offices."

10          A       This was a transcription of what was  
11       said during the March interviews that were held  
12       in Journal News headquarters, and this was a  
13       transcription of what I had stated during that.

14          Q       All of that is in quotes, correct?

15          A       Yes.

16          Q       That's what you stated?

17          A       Yes.

18          Q       Can you read the last line of the  
19       first paragraph, please -- The last line of the  
20       last paragraph.

21          A       "Most importantly, I want to unite the  
22       village residents so that we can stand together  
23       and legally fight the development that is being  
24       planned and to ensure that our zoning is  
25       enforced."



1                               - Brett Yagel -

2           Q           In this election video you used the  
3 word fight instead of the word defend; is that  
4 right?

5           A           Yes.

6                       MR. STEPANOVICH:  (Handing document to  
7 be marked.)

8                       (Whereupon, Email dated 3/17/07, Bates  
9 No. POM16974, was marked Plaintiff's Exhibit  
10 145 for identification.)

11          Q           I'm handing you, Mr. Yagel, what's  
12 been marked as Plaintiff's Exhibit 145, and ask  
13 if you can identify that?

14          A           It appears to be a letter from Rita  
15 Louie to myself and Nick Sanderson.

16          Q           Subject is "Mass emailing letter to go  
17 out"; is that right?

18          A           Yes.

19          Q           This was prior to the election; is  
20 that right?

21          A           Yes.

22          Q           Did you approve of this mass emailing?

23                       MR. PELOSO:  You mean of this  
24 document?

25          Q           This document, yes.

1                               - Brett Yagel -

2                   MR. STEPANOVICH: Thank you.

3           A           I do not know if this document went  
4 out.

5           Q           The question was: Did you approve of  
6 this document -- Strike that.

7                       Did you make any edits to this  
8 document?

9           A           I do not recall.

10          Q           Do you recall what the purpose of this  
11 document was?

12          A           No.

13          Q           Do you recall if your campaign sent  
14 any mass emailings?

15          A           Yes.

16          Q           This mass email would have been what,  
17 three days before the election in March of '07;  
18 is that right?

19          A           Yes.

20          Q           Towards the end, the next to last full  
21 sentence says, "So if you want more of the same,  
22 go ahead and let the incumbents stay in office.  
23 Then we'll all have to move."

24                       Do you see that?

25          A           Yes.

1                               - Brett Yagel -

2           Q           Is that what it says?

3           A           Yes.

4           Q           Do you agree with that statement?

5                       MR. PELOSO: Do you mean presently  
6           does he agree with the statement or at the  
7           time?

8           Q           Do you agree with this statement now,  
9           what I just read?

10          A           I think it has to be taken in the  
11          entire context of what Miss Louie was saying.

12          Q           So let's go back then. On March 17th,  
13          2007 did you agree with that statement?

14          A           Yes.

15                       MR. STEPANOVICH: (Handing document to  
16          be marked.)

17                       (Whereupon, Campaign literature, Bates  
18          Nos. POM0012600-02, was marked Plaintiff's  
19          Exhibit 146 for identification.)

20          Q           I'm handing you now, Mr. Yagel, what  
21          has been marked as Plaintiff's Exhibit 146, and  
22          ask if you can identify that document?

23          A           This was part of the overall  
24          electronic document that you presented to me in a  
25          prior, not the entire but the overall document, I

1                   - Brett Yagel -

2     think it was 143, yes.

3           Q       Mr. Yagel, just representing we are  
4     handing it to you as it was produced to us. It  
5     was produced in chunks if you will and so that's  
6     why I'm producing it to you in chunks.

7           A       Thank you. Can you put all the chunks  
8     together?

9                   MR. PELOSO: Please stick to the  
10    question and the answer.

11          Q       Mr. Yagel, you've testified that there  
12    was a column here on the left. Just for my own  
13    clarification, was there another column out to  
14    the left or what we're seeing is the first  
15    column?

16          A       I don't recall.

17          Q       On Exhibit 146, did you compose this  
18    document then?

19          A       Yes.

20          Q       On 146 there appears to be some black  
21    blocked-out words starting on the second page.  
22    Do you see that?

23          A       Yes.

24          Q       Did you do that?

25          A       Yes.

1                               - Brett Yagel -

2           Q           The final page, Mr. Yagel, in the  
3 right-hand side there's a reference to the Pomona  
4 Civic Association meeting on April the 4th, 2007.

5           A           Uh-huh.

6           Q           So can you explain to me what you're  
7 communicating there as it relates to the entire  
8 document?

9           A           The left column that has the highlight  
10 was part of the Complaint that was filed.

11          Q           Yes.

12          A           And I searched through, because I had  
13 recalled not saying any of this, and I had  
14 searched through some of these expressed comments  
15 that were supposedly attributable to myself and  
16 some of the running mates. And found out that  
17 the comment that's highlighted in black was  
18 actually from one of the LoHud article blogs.

19          Q           You make a reference here to the  
20 Pomona Civic Association meeting.

21          A           Yes.

22          Q           How does that meeting relate to this  
23 explanation?

24          A           There was a Pomona Civic Association  
25 meeting that was held after I was elected into

1                   - Brett Yagel -

2       the office and I assumed the office trustee.

3           Q       So what I'm trying to find out is, did  
4       any of these comments on the left-hand side  
5       result from the Pomona Civic Association meeting  
6       on April 4, 2007?

7           A       Did any of the comments on the left  
8       side?

9           Q       I'm reading here. On the right side  
10      it reads, "The Pomona Civic Association meeting  
11      was held on April 4, 2007 at 7:30. The quotes  
12      attributed in Section 160 were posted on a blog  
13      in February 7, 2007, two months prior to the  
14      Civic Association meeting."

15                   I guess what I'm asking you, Mr.  
16      Yagel, is what do you mean by that? I'm just  
17      trying to follow this.

18          A       I tracked the source of the comment.

19          Q       So the source of the comment then was  
20      an online posting instead of --

21          A       Yes.

22          Q       Is that what you're saying?

23          A       Not my online posting.

24          Q       No. You're referring to Engarcon,  
25      right?

1                               - Brett Yagel -

2           A           Yes.

3           Q           Were you at the Pomona Civic  
4 Association meeting on April the 4th?

5           A           I was.

6           Q           Were there any minutes of that  
7 meeting?

8           A           I took no minutes of that meeting.

9           Q           Do you know if minutes were taken?

10          A           I don't.

11          Q           Do you recall hearing, was the  
12 Congregation Rabbinical College of Tartikov  
13 discussed at that meeting?

14          A           I think it was, yes.

15          Q           Do you know who spoke at that meeting  
16 regarding Tartikov?

17          A           I believe Nick spoke, because he was  
18 head of the ticket as mayor. I may have spoken.  
19 There were a few chat and chews that we had,  
20 so...

21          Q           Was this Pomona Civic Association, is  
22 that what you're referring to as a chat and chew?

23          A           No, this was a Pomona Civic  
24 Association meeting. And I stated, what I stated  
25 was that when an application is finally presented

1                   - Brett Yagel -

2       to the board it will be evaluated on the facts.

3           Q       This is what you said at this meeting  
4       in April of '07?

5           A       It's a summary of what I stated, yes.  
6       It's not a quote of what I stated, but it's a  
7       summary of what I stated.

8           Q       So it's not the exact -- it was not  
9       your exact statement; is that right?

10          A       That's correct. It's not in quotes.

11          Q       What did Nick Sanderson say at the  
12       meeting about the Tartikov project?

13          A       I do not recall.

14          Q       Did Rita Louie speak?

15          A       She may have spoken.

16          Q       Do you recall what she said?

17          A       No, I do not.

18                   MR. STEPANOVICH: (Handing document to  
19       be marked.)

20                   (Whereupon, Campaign literature, Bates  
21       No. POM20040, was marked Plaintiff's Exhibit  
22       147 for identification.)

23          Q       I'm handing you, Mr. Yagel, what's  
24       been marked as Plaintiff's Exhibit 147. See if  
25       you can identify that document, please?



1                               - Brett Yagel -

2           A           I believe this was part of the  
3 campaign literature when I was running initially  
4 for office prior to being installed.

5           Q           For?

6           A           Trustee.

7           Q           Did you participate in drafting this  
8 document?

9           A           Drafting it, no.

10          Q           Did you review it?

11          A           I might have.

12          Q           This document, Mr. Yagel, says in the  
13 fourth paragraph, "From what we know of the plan  
14 as it has been leaked to the public, it will have  
15 real environmental and safety problems."

16                       What did you know at this time about  
17 the environmental and safety problems of the  
18 Tartikov project?

19          A           Nothing.

20          Q           So how did you know there were real  
21 environmental problems?

22          A           I didn't, I didn't write it.

23          Q           Well, you said this was your campaign  
24 material.

25          A           Yes, but I didn't write this.

1                               - Brett Yagel -

2           Q           But you didn't disapprove of anything  
3 here, did you?

4           A           I told you a recent while ago I  
5 disapproved of the word fight for Pomona.

6           Q           Then you said a few minutes later that  
7 you used the word fight?

8           A           Yes.

9           Q           That's already been decided and  
10 discussed.

11                       MR. PELOSO: He's asking about this  
12 document.

13           Q           I'm just talking about this document.  
14 I'm trying to find out what the basis was for  
15 this statement that the plan would have real  
16 environmental and safety problems.

17                       MR. PELOSO: I'm going to object. He  
18 testified he didn't write it.

19           A           I didn't write it.

20           Q           Did you at any time see a plan of the  
21 Rabbinical College of Tartikov for this property?

22                       MR. PELOSO: At any point in time?

23           Q           Any point in time.

24           A           In January when I got the Preserve  
25 Ramapo email, that's my first recollection.

1                               - Brett Yagel -

2           Q           I'm handing you again, Mr. Yagel,  
3           what's been marked as 134. I think if we turn to  
4           the last two pages, is this what you were  
5           referring to?

6           A           Yes.

7           Q           These two documents?

8           A           Yes.

9           Q           POM13258 and POM13259, those are the  
10          two documents that you are referring to --

11          A           Yes.

12          Q           -- that you saw?

13                      Have you ever seen any other documents  
14          at all regarding the proposal or the plan by  
15          Tartikov other than those two documents?

16          A           Not to my knowledge or recollection.

17          Q           In the context of RLUIPA, Mr. Yagel,  
18          did you ever become aware of what the term  
19          compelling interest is?

20          A           It was discussed a long time ago, yes.

21          Q           What is your understanding of what  
22          that term means?

23                      MR. PELOSO: Same objection regarding  
24          he's not a lawyer. But if you understand  
25          it.

1                               - Brett Yagel -

2           A           I don't understand it.

3           Q           But you were educated on RLUIPA,  
4 weren't you?

5           A           Seven years ago.

6           Q           At the time you were educated on what  
7 the term compelling interest was, right?

8           A           I believe I was.

9           Q           You don't remember any of that?  
10                       The answer is no?

11          A           No.

12                       MR. STEPANOVICH: (Handing document to  
13 be marked.)

14                       (Whereupon, Document entitled,  
15 "Candidate Endorsement," Bates No. POM20296,  
16 was marked Plaintiff's Exhibit 148 for  
17 identification.)

18          Q           I'm handing you now, Mr. Yagel, what's  
19 marked as Plaintiff's Exhibit 148, and ask if you  
20 can identify that document?

21          A           It's a campaign endorsement.

22          Q           An endorsement by whom?

23          A           I believe it was the Republican Party.

24          Q           This endorsement was for Nick  
25 Sanderson, Rita Louie and yourself; is that

1                               - Brett Yagel -

2       right?

3           A           Yes.

4           Q           Do you know who drafted this  
5       endorsement?

6           A           No.

7           Q           Did you draft this endorsement?

8           A           No.

9           Q           Did you review this endorsement before  
10       it went out?

11          A           I do not recall.

12          Q           Do you know if this endorsement  
13       actually was sent out?

14          A           No, I do not.

15          Q           Do you know whether or not your  
16       candidacy was endorsed by the Republican Party?

17          A           I believe it was.

18          Q           Would that have been the Republican  
19       Party of what, Rockland County?

20          A           Rockland County.

21                       MR. STEPANOVICH: (Handing document to  
22       be marked.)

23                       (Whereupon, Document to Rita, Bates  
24       No. POM20311, was marked Plaintiff's Exhibit  
25       149 for identification.)

1                               - Brett Yagel -

2           Q           I'm handing you, Mr. Yagel, what's  
3   been marked as Plaintiff's Exhibit 149. Can you  
4   identify Plaintiff's 149?

5           A           It looks like something that was  
6   written during the campaign.

7           Q           Were you the author of this?

8           A           I may have been.

9           Q           There's a reference in the third  
10   paragraph from the bottom that overtures with the  
11   Tartikov Rabbinical College had been made.

12                       Do you know what that reference is?

13                       MR. PELOSO: I'm unclear. You're  
14   asking what he means by overtures?

15                       MR. STEPANOVICH: That's a fair  
16   objection. Let me withdraw that question,  
17   please.

18           Q           That whole paragraph says, "But wait.  
19   At the opening of the cultural center in  
20   February, I and Nick overheard the mayor  
21   discussing with another resident, whom I later  
22   located in the village in my door to door  
23   campaigning, that overtures with the Tartikov  
24   Rabbinical College had been made. I will swear  
25   in court to this."

1                               - Brett Yagel -

2                               Is that what this document says?

3           A               Yes.

4           Q               Does that refresh your recollection as  
5 to that incident with the door to door campaign?

6                               MR. PELOSO: I object.

7           Q               If you know you can answer.

8           A               I recall the specific -- I recall the  
9 resident saying just don't get the lawyers  
10 involved, him saying that. And I was like, oh  
11 my, you know. He said that. And I did happen to  
12 find out later on when I was still collecting  
13 signatures who the specific resident was when I  
14 was going through collecting signatures.

15          Q               So you ultimately identified who that  
16 was, that resident?

17          A               I determined who it was after I  
18 knocked on his door and he did or did not sign  
19 the petition. I don't know whether he signed or  
20 did not sign the petition. But I remembered him  
21 from that statement and I remembered during the  
22 canvassing.

23          Q               Who was that person?

24          A               I don't -- I can remember his  
25 characteristics. Tall gentleman over six feet,

1                   - Brett Yagel -

2       older, salt and pepper hair.

3           Q       The last sentence says, "And while the  
4       mayor has the latitude to engage in discussions  
5       like this, what part of the January meeting was  
6       he missing?"

7                   Are you referring to the January 22nd,  
8       2007 meeting?

9                   MR. PELOSO: Let me object, because  
10       the mayor hasn't testified that he wrote  
11       this. He said he may have. But to the  
12       extent you can answer the question, please  
13       go ahead.

14       A       I do not recall why I wrote that one.

15                   MR. STEPANOVICH: (Handing document to  
16       be marked.)

17                   (Whereupon, Campaign literature, Bates  
18       No. POM33090, was marked Plaintiff's Exhibit  
19       150 for identification.)

20       Q       I'm handing you now, Mr. Yagel, what's  
21       been marked as Plaintiff's 150. If you could  
22       take a look at that, please?

23       A       (Complying.) Yes.

24       Q       Do you recognize this document?

25       A       It's something from the campaign, my



1                               - Brett Yagel -

2 first campaign.

3           Q           Your first campaign for?

4           A           Trustee.

5           Q           Approximately when would that have  
6 been?

7           A           Between January 2nd, 2007  
8 approximately and when I took office on -- well,  
9 before I took office, so before March 20th.

10          Q           Was this Exhibit 150, was this a  
11 campaign material solely for you?

12          A           No, it was a joint thing between --  
13 there was another party that was running, the  
14 Fair Government Pomona Party. And we were all  
15 just coming together as a community to get out  
16 the vote.

17          Q           So there was a slate of candidates  
18 running at this time, right?

19          A           Yes.

20          Q           And you were on the slate with who  
21 else?

22          A           Nick Sanderson and Rita Louie.

23          Q           So I'm trying to discern. The Fair  
24 Government For Pomona, that's a party also?

25          A           That was a party, yes.

1                               - Brett Yagel -

2           Q           In the Village of Pomona?

3           A           Yes.

4           Q           Did you write any of this literature?

5           A           I don't recall.

6           Q           Did you review it before it went out?

7           A           I may have.

8           Q           You don't disagree with anything here  
9 in Plaintiff's 150, do you?

10          A           Now or at the time?

11          Q           At the time.

12          A           No.

13                   MR. STEPANOVICH: (Handing document to  
14 be marked.)

15                   (Whereupon, Campaign literature, Bates  
16 No. POM20576, was marked Plaintiff's Exhibit  
17 151 for identification.)

18          Q           I'm handing you, Mr. Yagel, what's  
19 been marked as Plaintiff's Exhibit 151, and ask  
20 if you can review that, please?

21          A           (Complying.) Okay.

22          Q           Do you know what this Exhibit 151 is?

23          A           This was part of my first run for  
24 office electioneering campaign literature.

25          Q           The second page says, "Brett's Blurb."

1                               - Brett Yagel -

2       Was that composed by you?

3           A           To the best of my recollection, yes.

4           Q           Do you know what purpose this was used  
5       for?

6           A           Campaign literature.

7           Q           This would have been campaign  
8       literature back in the 2007 election, right?

9           A           Correct.

10          Q           You don't disagree with anything there  
11       under your blurb, do you?

12                       MR. PELOSO:   Presently or?

13          Q           Back then.

14                       MR. PELOSO:   Okay.

15          A           No, I do not.

16                       MR. STEPANOVICH:  (Handing document to  
17       be marked.)

18                       (Whereupon, Copy of pamphlet of  
19       Village Community Party, Bates No. POM20039,  
20       was marked Plaintiff's Exhibit 152 for  
21       identification.)

22          Q           I'm handing you now, Mr. Yagel, what's  
23       been marked as Plaintiff's Exhibit 152, and ask  
24       if you'd take a look at that, please?

25          A           (Complying.)

1                               - Brett Yagel -

2           Q           Can you identify Plaintiff's 152?

3           A           This was campaign literature for when  
4 I first ran for office in 2007.

5           Q           There's a column with your name above  
6 it, Brett Yagel; is that right?

7           A           Correct.

8           Q           The last full paragraph there's  
9 quotations. I'm going to read from that block.  
10 "I have met a significant number of residents who  
11 share similar interests and concerns for our  
12 village. The beauty that attracted most of us to  
13 this area is diminishing. Protecting our  
14 resources is important, and maintaining our  
15 diversity as well as the feeling of community is  
16 essential. In order to develop a solution, you  
17 sometimes have to be a part of the equation.  
18 Bringing these concerns to the table and finding  
19 solutions is key."

20                       Did I read that accurately?

21           A           Yes.

22           Q           That was your quote back in '07?

23           A           Yes.

24           Q           What did you mean, Mr. Yagel, about  
25 maintaining our diversity as well as the feeling

1                               - Brett Yagel -

2   of community is essential?

3           A           Pomona is a very diverse community,  
4   many different nationalities, colors, creeds,  
5   ethenticities (sic). And I felt that this was  
6   essential that the community maintain this.

7           Q           How did you propose maintaining the  
8   diversity of Pomona?

9           A           It was a statement, not a proposal.

10          Q           Well, the question right above it  
11   says, "Brett, how do you think your community  
12   experience will benefit Village of Pomona  
13   residents?"

14                       So the statement as you call it,  
15   "maintaining our diversity as well as the feeling  
16   of community is essential," you're saying that --  
17   I don't want to put words in your mouth. But was  
18   that a campaign platform of yours, to maintain  
19   our diversity as well as a feeling of community?

20          A           But it was also protecting our  
21   resources was important.

22          Q           Absolutely.

23          A           Which is one of the main reasons I ran  
24   for office.

25          Q           Understood.

1                               - Brett Yagel -

2                       So then what's in this block then is  
3 not simply a statement, but it's a reason why you  
4 ran for office; is that a fair statement?

5                       MR. PELOSO: Object to the form.

6               Q           Is it?

7               A           Yes.

8                       MR. STEPANOVICH: (Handing document to  
9 be marked.)

10                      (Whereupon, Campaign literature, Bates  
11 No. POM12974, was marked Plaintiff's Exhibit  
12 153 for identification.)

13               Q           I'm handing you now, Mr. Yagel, what's  
14 been marked as Plaintiff's 153, and ask if you  
15 could identify that?

16               A           This was part of the previous exhibits  
17 that were already presented to me regarding the  
18 Complaint that was filed and trying to locate the  
19 source.

20               Q           Did you compose Plaintiff's 153?

21               A           Yes.

22               Q           On the second page, Mr. Yagel, at the  
23 top it reads, "Most importantly, Brett wants to  
24 unite village residents so that we can stand  
25 together and legally fight developments that

1 - Brett Yagel -

2 threaten the environment and our quality of  
3 life."

4	Did I read that correctly?
---	----------------------------

5	A	Yes.
---	---	------

6	Q	That's your statement?
---	---	------------------------

7	A	Yes.
---	---	------

8 Q When did you prepare this statement,  
9 if you know?

10	A	2007.
----	---	-------

11 Q On the first page, Mr. Yagel, in the  
12 top block, do you recall where you retrieved that  
13 information from? It begins with "building,  
14 planning and zoning."

15	A	No.
----	---	-----

16 Q You turned over all your documents to  
17 counsel, correct?

18	A	Yes.
----	---	------

19 Q So there's no more complete let's use  
20 a comparison document than what we have seen here  
21 today?

22           A       I've turned over everything I have.

23 MR. STEPANOVICH: (Handing document to  
24 be marked.)

25 (Whereupon, Campaign literature, Bates

1                               - Brett Yagel -

2           No. POM154, was marked Plaintiff's Exhibit  
3           154 for identification.)

4           Q           I'm handing you now, Mr. Yagel, what's  
5           been marked as Plaintiff's Exhibit No. 154, and  
6           ask if you can identify that, please?

7           A           This was answers to questions that  
8           were posed by the Journal News, I believe Nancy  
9           Cutler, and my responses.

10          Q           So, for instance, under number one,  
11          the question number one is why are you running  
12          for office and then there's two paragraphs. Did  
13          you compose those paragraphs?

14          A           Yes.

15          Q           So you composed everything here on  
16          this document in response to the questions,  
17          correct?

18          A           Yes.

19          Q           On the right-hand column there's a  
20          Comment BLY1. Is that comment yours also?

21          A           Yes.

22          Q           I'm sorry, I think you said, and I  
23          apologize, this was submitted to Nancy Cutler of  
24          the Rockland County Journal News?

25          A           The Journal News. I believe her last



1 - Brett Yagel -

2	name was Cutler.
---	------------------

3	Q	How long have you been involved in
4		Preserve Ramapo?

5           A       I couldn't tell you.

6 Q You're still involved in Preserve  
7 Ramapo, correct?

8	A	Not in an active capacity, no.
---	---	--------------------------------

9	Q	Why is that?
---	---	--------------

10           A           I'm an elected official. I get emails  
11   like everybody else.

12 Q You were endorsed by Preserve Ramapo;  
13 is that right?

14	A	Yes.
----	---	------

15 Q You still know people involved in  
16 Preserve Ramapo, right?

17	A	Yes.
----	---	------

18	Q	You know Bob Rhodes?
----	---	----------------------

19	A	Yes.
----	---	------

20	Q	How well do you know Bob Rhodes?
----	---	----------------------------------

21	A	We don't hang out socially together.
----	---	--------------------------------------

22	Q	How long have you known Bob Rhodes?
----	---	-------------------------------------

23 A I couldn't put a time frame on it.

24	2005, 2003.
----	-------------

25 MR. STEPANOVICH: (Handing document to

1                               - Brett Yagel -

2           be marked.)

3                       (Whereupon, Campaign literature, Bates  
4           No. POM20314, was marked Plaintiff's Exhibit  
5           155 for identification.)

6           Q           I'm handing you, Mr. Yagel, what's  
7           been marked as Plaintiff's Exhibit 155. Just for  
8           clarity on my side, this appears to me to be a  
9           final letter in which 154 was a draft. And I  
10          know that wasn't a question. But if you could  
11          review that and just tell me if what I suggest is  
12          accurate or not?

13          A           I do not know.

14          Q           155 then was prepared by you; is that  
15          right?

16          A           Yes.

17          Q           Do you recall if 155 was sent to the  
18          Rockland County Journal News?

19          A           I do not recall.

20                       MR. STEPANOVICH: (Handing document to  
21           be marked.)

22                       (Whereupon, Campaign literature, Bates  
23           No. POM20315, was marked Plaintiff's Exhibit  
24           156 for identification.)

25          Q           I'm handing you, Mr. Yagel, what's

1                               - Brett Yagel -

2       been marked as Plaintiff's Exhibit 156, and ask  
3       if you can identify that, please?

4           A           It appears to be a draft of some form  
5       of the campaign literature from my first run in  
6       office in 2007.

7           Q           Was Plaintiff's 156 prepared by you?

8           A           I cannot recall.

9           Q           Besides you, did you have somebody  
10      else prepare your campaign literature?

11          A           I can't recall. I know Nick did some,  
12      Rita did some.

13                      MR. STEPANOVICH: (Handing document to  
14      be marked.)

15                      (Whereupon, Document from Journal  
16      News, Bates Nos. RC9-14, was marked  
17      Plaintiff's Exhibit 157 for identification.)

18          Q           I'm handing you, Mr. Yagel, what's  
19      been marked as Plaintiff's Exhibit 157, and ask  
20      if you can identify that?

21          A           This was a response that I submitted  
22      to the Journal News in regards to their  
23      endorsement of other candidates for the 2007  
24      campaign, as well as others' responses.

25          Q           Was this a LoHud document, if you

1                               - Brett Yagel -

2       recall?

3           A           I believe it was, yes.

4           Q           This was submitted or published four  
5       days before the election in 2007; is that  
6       accurate?

7           A           Yes.

8           Q           This first page, this whole paragraph  
9       was prepared and submitted by you; is that right?

10          A           It was submitted by me.

11          Q           At the very beginning you write,  
12       "Being extremely active in Preserve Ramapo and  
13       Coalition to Keep Ramapo Green, I've daily stood  
14       side by side with Ramapo residents, even though I  
15       live in Haverstraw, fighting downzoning and adult  
16       student housing zones."

17                       Is that what it says?

18          A           Yes.

19          Q           "I haven't just awakened and decided  
20       to fight; I've been there, boots on the ground,  
21       prior to ASH's enactment."

22                       Is that what it says?

23          A           Yes.

24                       MR. STEPANOVICH: (Handing document to  
25       be marked.)

1                               - Brett Yagel -

2                       (Whereupon, Campaign literature, Bates  
3       No. POM20303, was marked Plaintiff's Exhibit  
4       158 for identification.)

5       Q       I'm handing you now, Mr. Yagel, what's  
6       been marked as Plaintiff's Exhibit 158, and ask  
7       if you can identify that, please?

8       A       It looks like a draft of some campaign  
9       materials for the first campaign back in 2007.

10      Q       Would that draft have been composed by  
11      you?

12      A       Yes.

13                       MR. STEPANOVICH: (Handing document to  
14      be marked.)

15                       (Whereupon, Campaign item, Bates No.  
16      POM21311, was marked Plaintiff's Exhibit 159  
17      for identification.)

18      Q       I'm handing you, Mr. Yagel, what's  
19      been marked as Plaintiff's Exhibit 159, and ask  
20      if you can identify this?

21      A       It's something from the 2007 campaign.

22      Q       Would this have been a campaign  
23      placard for the 2007 campaign in which you were  
24      involved?

25      A       It could have been a placard or it

1                               - Brett Yagel -

2       could have been a cut and paste.

3           Q           To be placed where?

4           A           Telephone poles.

5           Q           Could it have been used in any other  
6       way?

7           A           Could it --

8                       MR. PELOSO:   Could it or was it?

9           Q           Was it used in any other way?

10          A           I think I have one hanging in my  
11       garage, I think.

12                      MR. STEPANOVICH:   (Handing document to  
13       be marked.)

14                      (Whereupon, Campaign literature, Bates  
15       Nos. RC3-6, was marked Plaintiff's Exhibit  
16       160 for identification.)

17          Q           Mr. Yagel, the court reporter has  
18       handed you what's been marked as 160, and I ask  
19       if you can identify that, please?

20          A           Page 1 of Exhibit 160 was I believe  
21       the poster board that hung, it was a 4 by 8  
22       poster board, that hung about the campaign.   And  
23       it says, "Thank you.   One village one voice."  
24       After we won the election that was put on it.

25                      Pages 2, 3 and 4 of the document I



1                               - Brett Yagel -

2           No. POM21292, was marked Plaintiff's Exhibit  
3           161 for identification.)

4           Q           I'm handing you, Mr. Yagel, what's  
5           been marked as Plaintiff's Exhibit 161, and ask  
6           if you can identify that, please?

7           A           This was an email from Rita Louie  
8           regarding meeting the candidates of the slates.

9           Q           Was there an actual event that this  
10          email references?

11          A           Was there an event?

12          Q           Yes.

13          A           It was a meet and greet at a  
14          neighbor's house or village resident's house, I  
15          don't recall which one.

16          Q           Did citizens turn out for this meet  
17          and greet?

18          A           Some residents turned out, yes.

19          Q           Were you present along with Mr.  
20          Sanderson and Miss Louie at this meet and greet?

21          A           I believe we all were.

22                       MR. STEPANOVICH:   Maybe we can take a  
23          five minute break.   Can we do that?

24                       MR. PELOSO:    Sure.

25                       MR. STEPANOVICH:   Thanks.



1                               - Brett Yagel -

2                               (Recess held.)

3                               MR. STEPANOVICH: (Handing document to  
4                               be marked.)

5                               (Whereupon, Journal News article,  
6                               4/2/07, Bates Nos. RC1682-83, was marked  
7                               Plaintiff's Exhibit 162 for identification.)

8               Q            I'm handing you, Mr. Yagel, what's  
9                               been marked as Plaintiff's 162, and ask if you  
10                              can identify that, please?

11              A            It looks like an article that appeared  
12                              in the Journal News on April 2nd, 2007 regarding  
13                              Nick, myself and Rita being installed into  
14                              office.

15              Q            Five paragraphs up from the bottom it  
16                              begins "Sanderson." "Sanderson said he and his  
17                              running mates had studied the Religious Land Use  
18                              and Institutionalized Persons Act, hiring Marci  
19                              Hamilton, an expert of RLUIPA and a law professor  
20                              for the Yeshiva University."

21                              Is that right, that's what it says?

22              A            Yes.

23              Q            And that's what you were testifying to  
24                              earlier about retaining Marci Hamilton, does that  
25                              accurately reflect what you described earlier?

1                               - Brett Yagel -

2           A           Yes.

3                       MR. STEPANOVICH:  (Handing document to  
4           be marked.)

5                       (Whereupon, Printout from lohud.com,  
6           Bates Nos. RC1834-36, was marked Plaintiff's  
7           Exhibit 163 for identification.)

8           Q           I'm handing you now, Mr. Yagel, what's  
9           been marked as 163, and ask if you can identify  
10          that?

11          A           It's a Journal News article.  I don't  
12          know what the year states.

13          Q           It looks like January 26, 2008.

14          A           Yes.

15          Q           I'm going to direct you to, Mr. Yagel,  
16          the fifth paragraph down that starts, "Mayor Nick  
17          Sanderson and two village trustees, Rita Louie  
18          and Brett Yagel, took office in April.  The three  
19          started studying the Religious Land Use and  
20          Institutional Persons Act while they were still  
21          campaigning, hiring Marci Hamilton, an expert on  
22          the act and a law professor for Yeshiva  
23          University, as their adviser."

24                       Is that what it says?

25          A           Yes.

1                               - Brett Yagel -

2           Q           Does that accurately reflect the  
3 purpose for which Marci Hamilton was hired by  
4 you, Rita Louie and Nick Sanderson?

5           A           Yes.

6                       MR. STEPANOVICH: (Handing document to  
7 be marked.)

8                       (Whereupon, Emails, Bates No.  
9 POM16975, was marked Plaintiff's Exhibit 164  
10 for identification.)

11          Q           I'm handing you now, Mr. Yagel, what's  
12 been marked as 164. It appears to be an email  
13 chain dated March 8, 2007. I'm interested in  
14 sort of the bottom half of an email from Rita  
15 Louie looks like to jfleisc@optonline.net and  
16 then brett@villagecommunityparty.com and  
17 nick@villagecommunityparty.com. "Hi Judy."

18                       I direct your attention now to about  
19 the third paragraph from the bottom. It starts  
20 out, "put out are placed with the blessing and  
21 permission of the property owners. Nick  
22 Sanderson, Brett Yagel and myself have retained  
23 prominent development counsel to guide us through  
24 this election as it relates to RLUIPA and  
25 development issues and have a well thought out,

1                   - Brett Yagel -  
2       comprehensive plan to deal with the issues coming  
3       about, without opening the village up to  
4       unnecessary lawsuits. Brett Yagel (Preserve  
5       Ramapo) will be contacting you to discuss our  
6       platform further."

7                   Is that what it says?

8       A       Yes.

9       Q       Well, what I'm trying to find out, and  
10      I think you've answered it.

11                  MR. STEPANOVICH: But, John, here's  
12      the issue. I think that we haven't seen  
13      this retainer letter and he's indicating --  
14      I'm trying to clarify the purpose of the  
15      representation. And I think we need to see  
16      the retainer letter before we can inquire  
17      any further. Because if not, I'm going to  
18      continue to ask him questions about that,  
19      about that retainer, about their services.

20                  MR. PELOSO: He's already testified  
21      several times as to the retainer.

22                  MR. STEPANOVICH: I'm just not certain  
23      that -- I don't know if the communications  
24      were privileged in the capacity of this  
25      lawsuit. So I'm going to inquire. If you

1                   - Brett Yagel -

2   are going --

3           MR. PELOSO:  It doesn't matter in this  
4   lawsuit.  Communications between an attorney  
5   and a client are privileged.  If it's legal  
6   advice with counsel, it's privileged.  
7   Whether it's in the context of this lawsuit  
8   is not relevant.

9           MR. STEPANOVICH:  Even to educate?

10          MR. PELOSO:  Yes.  Seeking legal  
11   advice.  If the legal advice is whether to  
12   have that print on the wall, that's legal  
13   advice.

14          MR. STEPANOVICH:  Well, until we see  
15   the retainer I don't know if we can make  
16   that determination.  So I'm going to not ask  
17   him anymore questions about those  
18   communications until we see the retainer  
19   letter.  I think we'll just hold it open.

20          MR. PELOSO:  I think it makes sense if  
21   you want to see the retainer letter to write  
22   us a letter, just so that we have a record  
23   of it.  I'm not going to agree at this point  
24   to turn it over.

25          MR. STEPANOVICH:  Well, we are making

1                               - Brett Yagel -

2           a request now for the retainer letter.

3   DATA REQUESTED: \_\_\_\_\_

4                   MR. PELOSO: I'll make a note.

5                   MR. STEPANOVICH: (Handing document to  
6           be marked.)

7                   (Whereupon, Complaint Form, NYS Office  
8           of the Attorney General, Public Integrity  
9           Unit, Bates No. POM20321, was marked  
10          Plaintiff's Exhibit 165 for identification.)

11          Q        I'm handing you, Mr. Yagel, what's  
12          been marked as Plaintiff's Exhibit 165, and ask  
13          if you can identify this, please?

14          A        It looks like a New York State Office  
15          of Attorney General Public Integrity Unit  
16          Complaint Form.

17          Q        Was this complaint filed by you?

18          A        Yes.

19          Q        Against whom?

20          A        Supervisor -- Christopher St.  
21          Lawrence, Town of Ramapo Supervisor.

22          Q        What was the basis of your complaint  
23          against Mr. St. Lawrence?

24          A        I do not recall. It's there, it's in  
25          very small print. "I am writing to you briefly

1                               - Brett Yagel -

2       concerning potential criminal matters regarding  
3       Town of Ramapo" --

4               Q           Holy mackerel.   Okay, please, I'm  
5       sorry.   Could you start over?

6                               (Off-the-record discussion.)

7               Q           Let's start at the beginning then.  
8       What you are reading for the record is the basis  
9       of the complaint that you filed against Mr. St.  
10      Lawrence.   If you could read it for the record,  
11      please?

12              A           Yes, but I don't know the date that I  
13      filed this.

14              Q           We'll come back to that.   We are  
15      just going to --

16              A           "I'm writing to you today concerning  
17      possible criminal matters regarding Town of  
18      Ramapo government officials working in collusion  
19      with the developer in order to gain votes during  
20      the previous and possible" -- I can't read that  
21      word.

22                           MS. SOBEL:   Future.

23              A           "Town board election.   It is my  
24      belief" -- and then I can't read the rest of it.  
25      It's incomplete.

1                               - Brett Yagel -

2           Q           Did you actually file a complaint  
3 against Mr. St. Lawrence with the Public  
4 Integrity Unit of the New York State Office of  
5 the Attorney General?

6           A           I cannot recall.

7           Q           Do you recall ever being contacted by  
8 the New York Office of the Attorney General?

9           A           I know I had a conversation with the  
10 New York State Attorney General Unit, Lemuel  
11 Srolovic.

12          Q           Was it in reference to Mr. St.  
13 Lawrence?

14          A           It could have been, yes.

15          Q           Would it have been, if you know, in  
16 response to some complaint that you filed against  
17 him?

18          A           Possibly, yes.

19          Q           Do you know how that complaint against  
20 Mr. St. Lawrence was resolved, ultimately  
21 resolved?

22          A           No.

23          Q           You referenced a developer on this  
24 complaint form, which would be 165. What  
25 developer would that have been?



1 - Brett Yagel -

2 MR. PELOSO: Was that or would have  
3 been?

4 Q Do you recall which developer you  
5 referenced?

6 A This might have been with regards to  
7 the Patrick Farm.

8 MR. STEPANOVICH: (Handing document to  
9 be marked.)

10 (Whereupon, Email dated 4/27/07, Bates  
11 No. POM17046, was marked Plaintiff's Exhibit  
12 166 for identification.)

13 A (Perusing document.) Okay.

14 Q Do you recognize this document, Mr.  
15 Yagel, 166?

16 A Yes.

17 Q What is it?

18 A I believe that it is an email that I  
19 sent to Mayor Nicholas Sanderson in late April of  
20 2007 regarding reaching out to our elected  
21 congressional representative at the time, John  
22 Hall.

23 Q In reference to what issue?

24 A RLUIPA and the federally and state  
25 protected wetlands on the Patrick Farm.

1                               - Brett Yagel -

2           Q           First of all, this is an email from  
3 Brett Yagel at brett\_yagel@glic.com, correct?

4           A           Yes.

5           Q           Was that one of the emails that you  
6 described earlier when you said you had three  
7 emails?

8           A           I have three current emails. This was  
9 an email that was at my old job. And I had  
10 forwarded this home as part of the search  
11 criteria.

12          Q           And you don't have this email address  
13 anymore, correct?

14          A           I left that company.

15          Q           Did this email result in a letter to  
16 the congressman?

17          A           I did not write an email to or a  
18 letter to Congressman John Hall.

19          Q           This was sent to Mr. Sanderson. What  
20 was the purpose for which it was sent to Mr.  
21 Sanderson?

22          A           As mayor he may have attended or  
23 wanted to attend an upcoming event that  
24 Congressman Hall was going to be at in the  
25 region, and to provide him some background.

1                               - Brett Yagel -

2           Q           Background on your position on RLUIPA,  
3   is that one of the areas of background that you  
4   wanted to provide?

5           A           Yes.

6           Q           Then it looks as if you were providing  
7   information about water drainage off the Tartikov  
8   property; is that right?

9           A           Yes.

10          Q           How did you know that there was an  
11   issue with the water drainage on the Tartikov  
12   property?

13          A           Because of the nor'easter that had  
14   occurred, as I indicated there, and the  
15   topography of the land and the way the water was  
16   running from one side to the other side.

17          Q           The other side of the highway?

18          A           Yes, underneath the culvert.

19          Q           You personally observed that?

20          A           Yes.

21          Q           Approximately when was that  
22   observation made?

23          A           It was either during or just after the  
24   nor'easter.

25          Q           I'm not trying to guess, but sometime

1                               - Brett Yagel -

2   before April of '07?

3           A           I can't remember which nor'easter it  
4   was, but I would assume that's -- I'm not going  
5   to assume anything. I can't recall.

6           Q           Okay, all right.

7                       So you observed water running from the  
8   Tartikov property into an underground culvert  
9   under Route 202?

10          A          No, I observed water running from the  
11   Tartikov property going underneath New York State  
12   Route 306, not U.S. Route 202.

13          Q          The water was running in an  
14   underground culvert?

15          A          In an underground culvert.

16          Q          And you observed this during what you  
17   described as a nor'easter?

18          A          Yeah.

19          Q          Just generally for the record, how do  
20   you describe -- what is a nor'easter?

21          A          A heavy rain event with wind-driven  
22   rains.

23                       MR. STEPANOVICH: (Handing document to  
24   be marked.)

25                       (Whereupon, Document entitled,

1                               - Brett Yagel -

2           "Community View - A Tale of Two Towns - One  
3           Divided," Bates No. POM20328, was marked  
4           Plaintiff's Exhibit 167 for identification.)

5           Q           I'm handing you now, Mr. Yagel, what's  
6           been marked as Plaintiff's Exhibit 167, and ask  
7           if you can identify that, please?

8           A           It looks like a draft of a potential  
9           Community View letter.

10          Q           Written by you?

11          A           Yes.

12          Q           There's eight pages attached to this  
13          document. Did you write all eight pages? I want  
14          to ask you questions, but I want to ask you  
15          questions only on what relate to you.

16          A           No.

17          Q           Can you just educate me, can you tell  
18          me how many pages you wrote?

19          A           I believe up to -- just it stops after  
20          my old work phone number 212-383-4300. I did not  
21          write "A village for Monsey area as well."

22          Q           I'm just trying to find that.

23          A           It's on the third to last page.

24          Q           Oh, I see. I got it.

25                       So where you say, "Thank you Brett

1                               - Brett Yagel -

2       Yagel 212-383-4300" that's where it cuts off?

3           A           Yes.

4           Q           Who was this Community View submitted  
5       to?

6           A           It was not submitted.

7           Q           Was it ever published anywhere?

8           A           No.

9           Q           Did someone ask for you to prepare  
10       this document?

11          A           No.

12          Q           In the first page, second from the  
13       last paragraph, it starts "Perhaps." I'm going  
14       to ask you a question. It says, the second  
15       sentence there, "The same individuals who have  
16       not abided by the zoning and development laws are  
17       the first to articulate that their 'rights are  
18       being violated'. It appears that the  
19       citizens/residents of this area are caught up in  
20       a 'Catch 22'. How convenient for the 'voting  
21       bloc.' And the politicians who are suppose to  
22       listen to all sides and uphold the law are only  
23       listening to those who 'provide a vote' and are  
24       neglent in their duties at upholding town laws.  
25       And yet, rather than enforce existing laws, the

1                               - Brett Yagel -

2       town adopts another unenforceable law regarding  
3       adult student housing. Question, if the town  
4       can't uphold their existing laws, then why are  
5       they creating new laws? Of yes, to appease the  
6       'block vote.'"

7                               Did I read that accurately?

8           A           Yes.

9           Q           You wrote that?

10          A           I believe I did.

11          Q           And you write the final sentence, "Of  
12       yes, to appease the 'block vote.' Who are you  
13       referring to?

14                       MR. PELOSO: Referring to in terms of  
15       what?

16          Q           A particular bloc vote?

17          A           Yes.

18          Q           Who is that bloc vote that you are  
19       referring to?

20          A           The developer on the Patrick Farm.

21          Q           Mr. Lebovits?

22          A           Yes.

23          Q           On the next page, Mr. Yagel, the next  
24       to last paragraph. "In theory, a politician  
25       should be a leader. An individual who is able to

1                               - Brett Yagel -

2     take charge and steer the community toward a  
3     greater public good. Sometimes the road to do  
4     such is rough. However, a politician has many  
5     support mechanisms. One of which is the law. In  
6     the end, however, it should be a politician's  
7     responsibility to unite a community/region and  
8     not divide it."

9                               You wrote that?

10            A            Yes.

11            Q            The next page. The fourth paragraph  
12     from the bottom. It starts, "which professes."  
13     At the end, the last sentence, "For those of us  
14     residents that live in the area most affected by  
15     Ramapo's recent debacle and decisions, the times  
16     (and our community) is changing and not for the  
17     better."

18                               Is that accurate what I read?

19            A            I was paraphrasing.

20                               MR. PELOSO: He's just asking if it's  
21     accurate what he read.

22            A            Yes.

23            Q            What were you paraphrasing, Mr. Yagel?

24            A            It was the best of times, it was the  
25     worst of times.



1                               - Brett Yagel -

2           Q       Approximately what year was the best  
3 of times and the worst of times?

4           A       Prior to the town's enacting -- the  
5 Town of Ramapo enacting the comprehensive master  
6 plan.

7           Q       That contained adult student housing  
8 laws?

9           A       No, it didn't contain the adult  
10 student housing laws at the time. It allowed for  
11 the downzoning of certain areas.

12          Q       So then in your opinion, I'm just  
13 trying to discern when the best of the times was,  
14 Mr. Yagel?

15          A       When the Patrick Farm was zoned at one  
16 home per two acres on an ecologically sensitive  
17 piece of property.

18          Q       When was the worst of times?

19          A       When the town started its downzoning  
20 on this environmentally sensitive piece of  
21 property and when it did not fine the developer  
22 for the destruction of state and federally  
23 protected wetlands.

24          Q       You reference the term downzoning. I  
25 just want to make sure I understand that concept.

1                   - Brett Yagel -

2       What is downzoning as you use that term?

3           A       Downzoning is when you zone down a  
4       development, the acreage. In this particular  
5       instance it was one home per two acres down to  
6       one home per acre.

7           Q       So it went -- I'm making sure I  
8       understand it. The zoning then went, originally  
9       it was one home per two acres and it went then to  
10      one home for one acre?

11          A       Yes.

12          Q       That was the downzoning that affected  
13      Patrick Farms?

14          A       Yes.

15          Q       Was this article in response -- the  
16      article the best of times and the worst of times,  
17      was it in response to an earlier article in the  
18      newspaper?

19          A       It was not an article. It was a draft  
20      that was never submitted. And it was in response  
21      to the comprehensive master plan that was enacted  
22      and also the establishment of the four sites  
23      afterwards.

24          Q       When you say sites, you mean the four  
25      sites on Patrick Farms?

1                               - Brett Yagel -

2           A           No, the four adult student housing  
3 zone sites.

4           Q           Your opinion here was in reference to,  
5 I'm sorry, Patrick Farms and then the four sites  
6 zoned for adult student housing?

7           A           It also had to do with the petition  
8 that was before both the Ramapo Supervisor and  
9 the Town of Haverstraw Supervisor regarding the  
10 potential formation of the Village of Ladentown.

11          Q           What do you know about the Village of  
12 Ladentown?

13                   MR. PELOSO: Object to the form of the  
14 question.

15          Q           At the time back when you drafted this  
16 was the movement to create the Village of  
17 Ladentown created?

18          A           Was the movement?

19          Q           Yes.

20          A           Can you repeat the question or  
21 rephrase it?

22          Q           Yes, I will.

23                   At the time you wrote this document  
24 was the effort to create the Village of Ladentown  
25 in existence?

1                               - Brett Yagel -

2           A           I believe it was.

3           Q           Turn your attention on that document,  
4   Mr. Yagel, to the page after where you say where  
5   it's cut off, where you said that you stopped  
6   writing. And I'm going to turn your attention to  
7   the second paragraph from the bottom. "The  
8   decision to create Ladentown was made long before  
9   the town created the student housing law.  
10  Members of the local population who are activists  
11  on behalf of the Village of Ladentown have openly  
12  said that they do not want Hasidics moving into  
13  the neighborhood. Now they are using the housing  
14  law (that most likely will never be relevant to  
15  the property at Patrick Farms if they allow the  
16  developer to get on with developing his land  
17  under the large, full-scale zoning that was  
18  proposed by the master plan) as a new pretext for  
19  concern."

20                       Do you see that?

21          A           Yes.

22          Q           Did I read that accurately?

23          A           Yes.

24          Q           Was that your understanding generally?  
25  Well, first of all, did you ever hear that the

1                               - Brett Yagel -

2       Village of Ladentown was being proposed because  
3       they didn't want Hasidics moving into the  
4       neighborhood?

5           A           No.

6           Q           You never heard that?

7           A           No.

8           Q           Not at all?

9           A           No.

10          Q           From no one?

11          A           No.

12          Q           Ever?

13          A           Ever.

14          Q           What do you understand the Village of  
15       Ladentown's incorporation efforts -- Strike that.  
16       Do you understand? I was going to try to  
17       rephrase that question.

18                       MR. PELOSO: Object to the form.

19          Q           Let me just try to get a question out  
20       there to protect this record.

21                       Did you understand what the basis was  
22       for the formation of the Village of Ladentown?

23          A           Yes.

24          Q           What was your understanding back then?

25          A           It was to control the zoning of the

1                               - Brett Yagel -

2       local area on an environmentally sensitive piece  
3       of property.

4           Q           Patrick Farms, would the Village of  
5       Ladentown encompass Patrick Farms property?

6           A           Yes.

7           Q           Were you involved in the efforts to  
8       incorporate the Village of Ladentown?

9           A           Yes.

10          Q           Was there an organization that came  
11       about for the incorporation efforts of the  
12       Village of Ladentown?

13          A           I believe it was the Coalition to Keep  
14       Ramapo Green.

15          Q           Is that organization still in  
16       existence?

17          A           Not to my knowledge.

18                   MR. STEPANOVICH: (Handing document to  
19       be marked.)

20                   (Whereupon, Document entitled,  
21       "Another Example of Why Things Are Wrong In  
22       Ramapo," Bates No. POM20326, was marked  
23       Plaintiff's Exhibit 168 for identification.)

24          Q           I'm handing you what you have now in  
25       front of you, Mr. Yagel, Plaintiff's Exhibit 168.

1                               - Brett Yagel -

2       And ask if you have -- if you can identify that,  
3       please?

4           A           (Perusing document.)   Okay.

5           Q           Do you recognize this document?

6           A           Yes.

7           Q           Did you write this document?

8           A           I do not recall.

9           Q           If you need some more time to go  
10       through it to answer that question in a more  
11       definitive way, I'll give you the time.

12          A           (Perusing document.)   Okay.

13          Q           Now after reviewing the document again  
14       I ask the question again.   Did you author this  
15       Exhibit 168?

16          A           I do not recall.

17          Q           Have you ever seen it before today?

18          A           I do not recall.

19          Q           Is there an Orthodox and Hasidic  
20       voting bloc in Rockland County?

21          A           Yes.

22          Q           Is it fair to say that you didn't at  
23       the time back in '07, '06/'07 you did not agree  
24       with Mr. St. Lawrence's policies in the Town of  
25       Ramapo?

1                               - Brett Yagel -

2                   MR. PELOSO: Object to the form.

3           Q        If you understand the question. Do  
4 you understand the question?

5           A        No.

6           Q        Did you agree with the adult student  
7 housing legislation that was enacted in Ramapo?

8           A        No.

9           Q        You keep using the word downzoning.  
10 Did you agree with the downzoning that was  
11 effected in the Town of Ramapo?

12          A        No.

13          Q        And you've never seen this document  
14 before, 168, correct?

15          A        I cannot recall.

16          Q        And you don't recall whether or not  
17 you authored it; is that right?

18          A        That's correct.

19          Q        Could you have authored that article?

20                   MR. PELOSO: Object to the form.

21          Q        Is it possible?

22          A        Is it possible, yes.

23                   MR. STEPANOVICH: (Handing document to  
24 be marked.)

25                   (Whereupon, Emails, Bates No.



1                   - Brett Yagel -

2           POM20858, was marked Plaintiff's Exhibit 169  
3           for identification.)

4           Q           I'm handing you now, Mr. Yagel, what's  
5           been marked as Plaintiff's Exhibit 169, and ask  
6           if you can identify that, please?

7           A           This is an email that was sent to --  
8           it had to do with a letter and electronic email  
9           that was going to be sent to Deputy Town  
10          Supervisor Fran Hunter regarding an online  
11          petition for the Patrick Farm.

12          Q           Was this letter at the bottom of the  
13          first page, was that composed by you?

14          A           Yes.

15          Q           Do you know whether or not this letter  
16          was ever sent?

17          A           I believe it was.

18                   MR. STEPANOVICH: (Handing document to  
19          be marked.)

20                   (Whereupon, Email dated 3/9/10, Bates  
21          No. POM19274, was marked Plaintiff's Exhibit  
22          170 for identification.)

23          Q           I'm handing you, Mr. Yagel, what's  
24          been marked as Plaintiff's Exhibit 170, and ask  
25          if you can identify that, please?

1                               - Brett Yagel -

2           A           It's an email that I sent to the  
3 trustees in March of 2010 regarding a Google  
4 alert that I had received.

5           Q           You composed this email, correct?

6           A           I composed the line, "Environmental  
7 Lawyer: RLUIPA is bad"... And what I added  
8 personally, "but we already knew this."

9                       "Environmental Lawyer: RLUIPA is bad"  
10 was the title of the link for the alert that was  
11 kicked off for RLUIPA.

12          Q           And then at the bottom some articles  
13 popped up triggered by the search term RLUIPA is  
14 bad, is that what that is?

15          A           Triggered by the search term RLUIPA.

16          Q           I see. Okay.

17                       Coming back, Mr. Yagel, you supported  
18 the efforts of the movement to incorporate the  
19 Village of Ladentown; is that right?

20          A           Yes.

21          Q           And you supported those efforts prior  
22 to running for office in 2007?

23          A           Long before, yes.

24          Q           And you support those efforts after  
25 your election to office in 2007?

1                               - Brett Yagel -

2           A           No.

3           Q           As we sit here today you do not  
4 support the incorporation of the Village of  
5 Ladentown?

6           A           That's correct.

7           Q           Why?

8           A           There is no Coalition to Keep Ramapo  
9 Green any longer.

10          Q           I'm sorry, can you explain that answer  
11 to me?

12          A           There is no membership now in the  
13 Coalition to Keep Ramapo Green.

14          Q           And the Coalition to Keep Ramapo Green  
15 was the coalition that was supporting the efforts  
16 to incorporate Ladentown?

17          A           Correct.

18          Q           You personally support the  
19 incorporation of the Village of Ladentown?

20          A           Yes.

21          Q           Were you a member of the Board of  
22 Trustees of the Village of Pomona?

23          A           What year, month?

24          Q           January 22nd, 2007.

25          A           No.

1 - Brett Yagel -

2 Q That's when you were running for  
3 election?

4 A Yes.

5 Q Do you recall speaking at the village  
6 board meeting on January 22nd, 2007?

7 A Yes.

8 Q You recall what you spoke about?

9 A I believe it was the dormitory laws  
10 and it might have been related to the heights of  
11 the buildings and the law.

12 Q Do you recall your statement to the  
13 board that night?

14 A Not fully, no.

15 Q I hand you, Mr. Yagel, what's been  
16 previously marked as Plaintiff's Exhibit 118, and  
17 specifically direct your attention to Page RC1113  
18 and 1114. I'll give you a chance to look at that  
19 and I'll have a question or two for you.

20 A 111 --

21 Q 3, the Bates number on the bottom  
22 right-hand corner. It's actually on top, Page 49  
23 of the transcript.

24 MR. PELOSO: Right here.

25 A Okay.

1                               - Brett Yagel -

2           Q           Okay?

3           A           Okay.

4           Q           You've had a chance to review that; is  
5 that right?

6           A           Yes.

7           Q           What appears to be statements  
8 attributed to you.

9                       Do you recall making those statements  
10 at that meeting on January 22nd, 2007?

11          A           Yes.

12          Q           At that time what did you understand  
13 about the codes on the book in the Village of  
14 Pomona that you're referring to? You say, "I  
15 understand there are codes on the book in the  
16 Village of Pomona, and I understand that you're  
17 tweaking the laws based upon the precedents."

18                       What were you referring to?

19                       MR. PELOSO: What codes you mean?

20          Q           Yes, what codes?

21          A           Regarding the dormitory law.

22          Q           On this night on January 22nd, 2007 do  
23 you recall whether or not the dormitory  
24 legislation came before the board to be voted  
25 upon?

1                               - Brett Yagel -

2           A           I believe it did. Page 50, first  
3 paragraph. "Regarding the dormitory law, on the  
4 second, page, number twelve." I was commenting  
5 on the misspelling that sometimes occurs in laws  
6 before they are fully adopted.

7           Q           Were you voicing your support for the  
8 passage of the dormitory law?

9           A           I was voicing my support for  
10 solidifying the codes in the Village of Pomona to  
11 make them defensible in court.

12          Q           At this time on January 22nd, 2007 was  
13 it your opinion that at least the dormitory code  
14 was not, quote, defensible in court?

15          A           That it might have been indefensible  
16 in court.

17          Q           As it existed prior?

18          A           At it existed prior to this public  
19 hearing.

20          Q           Why did the dormitory law need to be  
21 defended in court?

22          A           It didn't need to be.

23          Q           There was a law passed, a dormitory  
24 law passed on January 22nd, 2007; is that  
25 correct?

1                               - Brett Yagel -

2           A           I believe there was, yes.

3           Q           Was that the law that you were  
4 referring to that needed to be addressed as you  
5 reference in your prior comments on Page 1113?

6           A           I was addressing the public hearing  
7 regarding the dormitory law.

8           Q           It was your opinion then that the  
9 dormitory law needed to be changed?

10          A           Yes.

11          Q           Why?

12          A           A law is only as good as it's  
13 defensible in court. As it was presented before  
14 the board and the public, it was not defensible  
15 and there were conflicts in the law.

16          Q           That is why in your opinion it needed  
17 to be changed on January 22nd, 2007?

18          A           If that's why it needed to be changed  
19 in January?

20          Q           Yes.

21          A           I don't know why it was put up for  
22 January 22nd or not. But it was a public hearing  
23 that was held on that evening regarding the law.  
24 Why that specific date was chosen, I have no  
25 idea.

1                               - Brett Yagel -

2           Q           Let's forget about the date for the  
3 moment. The law that we are talking about is the  
4 dormitory law in the Village of Pomona, correct?

5           A           That's correct.

6           Q           Are you generally familiar with what  
7 the change --

8           A           Not fully.

9           Q           Were you advocating that the board  
10 adopt this change of law on January 22nd, 2007?

11          A           I was advocating that the law be  
12 defensible in court.

13          Q           What do you mean by defensible in  
14 court?

15          A           If there's a conflict in the law and  
16 there's a lawsuit brought against the law, the  
17 village would lose.

18          Q           Did you determine that there was a  
19 conflict in the law prior to this?

20          A           I'm not an attorney.

21          Q           You supported the passage of the law  
22 on January 22nd, 2007; yes or no?

23                       MR. PELOSO: Object to the form.

24          Q           Did you?

25                       MR. PELOSO: What law are you



1                               - Brett Yagel -

2           referring to?

3           Q           The dormitory law.

4           A           Local Law No. 1 2007. I wasn't on the  
5 board. I wasn't privy to anything.

6           Q           Did you support that as a private  
7 citizen?

8           A           Yes.

9           Q           You were running for trustee at that  
10 point?

11          A           Yes.

12          Q           Did you support that because there was  
13 a, quote, conflict in the dormitory law that  
14 needed to be corrected?

15                       MR. PELOSO: Object to the form.

16          A           I did not know if there was a  
17 conflict. All I know is that periodically laws  
18 are reviewed depending upon what case matter,  
19 what case law has been established or what recent  
20 decisions have come down as part of every  
21 municipalities and to review cases that come down  
22 and tweak the laws.

23          Q           What information did you have at this  
24 time on January 22nd, 2007 that the dormitory law  
25 needed to be tweaked?

1                               - Brett Yagel -

2           A           All I had was the new case law and I  
3   went online and saw the old case law, the village  
4   law I should state.

5           Q           The village code that defined  
6   dormitories, the prior definition of dormitory,  
7   is that what you had?

8           A           I had the old code and looked at it.  
9   I can't recall the specifics of it. And I looked  
10   at the new code that was available to the public  
11   at the meeting.

12          Q           You referenced case law. What case  
13   law did you have available to you at this time?

14          A           In this particular instance, I did not  
15   have any case law. I was making a generalized  
16   statement that now being an elected official I  
17   realized that periodically you have to review  
18   your laws depending upon what happens in courts.

19          Q           But at the time back in January '07  
20   all that you reviewed was the prior dormitory law  
21   and the proposed dormitory law in January of '07;  
22   is that right?

23          A           Yes.

24          Q           You say, "Okay. So in defense of the  
25   board, they're doing this to protect all of us,

1                               - Brett Yagel -

2       because when this goes to court, we will all be  
3       in jeopardy, that's number one, okay."

4                               Is that what it says?

5       A               Uh-huh.

6       Q               You said that, right?

7       A               Yes.

8       Q               And when you talk about when this goes  
9       to court, what are you referring to?

10      A               I could be referring to Paul Savad's  
11      comments about the Tartikov organization being  
12      well financed.

13      Q               When you say "we will all be in  
14      jeopardy," what do you mean by that?

15      A               Village taxpayers.

16      Q               Will have to potentially pay for  
17      something, is that what you mean?

18      A               Where are you reading that from?

19      Q               It says, "In defense of the board,  
20      they're all doing this to protect all of us,  
21      because when this goes to court, we will all be  
22      in jeopardy, that's number one, okay."

23                       See that?

24      A               Yes.

25      Q               I asked you what jeopardy was and I

1                               - Brett Yagel -

2       thought your answer was taxpayers; is that right?

3           A           Uh-huh.

4           Q           I'm trying to understand why the  
5       taxpayers would be in jeopardy.

6           A           We would be footing the bill for any  
7       litigation.

8           Q           Prior to making this statement on  
9       January 22nd, 2007 did you talk to any member of  
10      the board of trustees about this dormitory law?

11          A           I don't recall.

12          Q           Do you recall expressing your  
13      sentiment that the dormitory law needed  
14      clarifying to any member of the board prior to  
15      January 22nd, 2007?

16          A           Do not recall.

17          Q           Do you recall any member of the board  
18      discussing that issue with you prior to January  
19      22nd?

20          A           Nick Sanderson may have discussed it  
21      with us because he was running with us in the  
22      campaign.

23          Q           What did he tell you about that  
24      dormitory law?

25          A           I cannot recall.

1                               - Brett Yagel -

2           Q           Do you recall whether or not he told  
3 you the law needed to be changed?

4           A           I do not recall.

5           Q           Just for clarification, you say at  
6 line 16, "And I understand that you're tweaking  
7 the laws based upon the precedents that need to  
8 be addressed."

9                       What formulated your understanding  
10 that the law needed to be tweaked based upon  
11 precedents?

12                       MR. PELOSO: Object to the form.

13          Q           If you understand the question.

14          A           I believe it had to do with statements  
15 that were made at the meeting regarding public  
16 statements that had been made at the meeting  
17 regarding laws on the books.

18          Q           That would have included public  
19 statements by the public at large?

20          A           Yes. But I don't recall everybody's  
21 testimony or the specifics of it.

22          Q           I understand.

23                       Do you recall at this meeting on  
24 January 22nd, 2007 was the public comment in  
25 support generally of passing this law?

1                               - Brett Yagel -

2           A           You know, I don't recall.

3           Q           Were there a lot of people at this  
4 meeting on January 22nd, 2007?

5           A           Yes.

6           Q           Was it a packed house?

7           A           Yes.

8           Q           Were there a lot of public speakers on  
9 this issue of the dormitory law?

10          A           There were a lot of public speakers.  
11 Regarding this, I don't recall, because there was  
12 also an open period when the public had a chance  
13 to speak.

14          Q           During this time prior to the passage  
15 of this law did you ever talk with anybody in the  
16 Village of Pomona that did not support the  
17 passage of this dormitory law?

18          A           I do not recall.

19          Q           Did you express your opinion on this  
20 law to Nick Sanderson?

21                       MR. PELOSO: Object to the form.

22                       Vague as to time.

23          A           I don't recall.

24          Q           Did you ask Nick Sanderson to vote in  
25 favor of this law?

1                               - Brett Yagel -

2           A           I don't recall.

3           Q           Did you ask anybody else on the board  
4 of trustees to vote in favor of this law?

5           A           I do not recall.

6           Q           During the time of your statement on  
7 January 22nd, 2007 was Marci Hamilton still  
8 retained by you and Mr. Sanderson and Miss Louie?

9           A           I believe she was retained, but I'm  
10 unsure.

11                       (Recess held.)

12                       MR. STEPANOVICH: (Handing document to  
13 be marked.)

14                       (Whereupon, Email dated 4/7/07, Bates  
15 No. POM16969, was marked Plaintiff's Exhibit  
16 171 for identification.)

17           Q           I'm handing you, Mr. Yagel, what's  
18 been marked as Plaintiff's Exhibit 171, and ask  
19 if you can identify that?

20           A           This is an email regarding an RLUIPA  
21 seminar that I believe was held or going to be  
22 held at the Suffern Free Library.

23           Q           Did you attend the RLUIPA seminar?

24           A           Yes.

25           Q           It says, "at which Doris will be the

1                               - Brett Yagel -

2 speaker." Is that a reference to Village Counsel  
3 Doris Ulman?

4           A           Yes.

5           Q           Did Miss Ulman speak at that seminar?

6           A           Yes. And I believe you were wearing a  
7 peach shirt.

8           Q           I don't think so.

9           A           I thought you were.

10          Q           Peach is not my color.

11          A           Okay.

12          Q           "PS," it says, "Brett, might want to  
13 pass this on to some Pomona people on our email  
14 list who might be interested in getting educated  
15 on RLUIPA."

16                       What did you understand that to mean?

17          A           Sending out a blast email.

18          Q           To Pomona residents?

19          A           Yeah.

20          Q           For what purpose?

21          A           To let them see the RLUIPA seminar.

22          Q           Did you in fact do a blast email in  
23 reference to this seminar?

24          A           I do not recall if I did.

25          Q           Again, looking at the top of the



1 - Brett Yagel -

2 email. It's from Rita Louie, correct?

3 A Yes.

4 Q To Nick Sanderson and yourself. You  
5 have any idea why it's only to you and Mr.  
6 Sanderson and not the other members of the board?

7 A No.

8 MR. STEPANOVICH: (Handing document to  
9 be marked.)

10 (Whereupon, Printout from lohud.com,  
11 Bates Nos. RC614-21, was marked Plaintiff's  
12 Exhibit 172 for identification.)

13 Q You have been handed, Mr. Yagel,  
14 what's been marked as Plaintiff's Exhibit 172.  
15 And just for expediency I'm not going at this  
16 point to ask you any questions about the content.  
17 This appears to be a posting on the lohud.com.  
18 Is that what it appears to be to you?

19 A The New York Journal News, yeah.

20 Q On the front page it says "Author  
21 camphillroad." Do you see that?

22 A Yes.

23 Q Did you post under the name  
24 camphillroad to lohud.com?

25 A No.

1                               - Brett Yagel -

2           Q           Do you know who camphillroad is?

3           A           No.

4           Q           Did you ever post online in any other  
5 name other than your own?

6           A           No.

7           Q           Did you ever write any letters to the  
8 editor or to the newspapers in any name other  
9 than your own?

10          A           No.

11          Q           Do you recall seeing this string of  
12 postings back in 2007?

13          A           This specific one?

14          Q           Yes, let's -- well, the string but  
15 specifically the first posting referenced.

16          A           Yes.

17          Q           You recall seeing it back then?

18          A           Yeah.

19          Q           And you recall seeing the entire  
20 string posting back in '07?

21          A           Not every single one.

22          Q           But the first three pages?

23          A           It might have been I mean --

24          Q           More than three pages?

25          A           It might have been less than three

1                               - Brett Yagel -

2       pages.

3               Q           Let's turn specifically to the third  
4       page.   Fourth paragraph, "People of Pomona you  
5       are being manipulated.   Act professional.   Your  
6       egos and anger are only going to work against us  
7       all."

8                       Do you see that paragraph?

9               A           Yes.

10              Q           Do you recall reading that posting  
11       back in '07?

12              A           I do not recall reading that one.

13              Q           What I'm trying to figure out, you  
14       indicated, and I'm not trying to put words in  
15       your mouth, that you recalled seeing this  
16       posting.   I'm just trying to figure out --

17              A           I recalled seeing the article.

18              Q           The article by camphillroad?

19              A           No, the article that was associated  
20       with the rabbinical college.

21              Q           Do you know for sure whether or not  
22       you saw this string of online comments back in  
23       '07?

24                       MR. PELOSO:   Objection.

25              Q           Is it possible that you saw this

1                               - Brett Yagel -

2       string of online comments back in '07?

3           A           Yes.

4                       MR. STEPANOVICH:   (Handing document to  
5       be marked.)

6                       (Whereupon, Affidavit In Opposition To  
7       Defendants' Motion To Dismiss, was marked  
8       Plaintiff's Exhibit 173 for identification.)

9           Q           I'm handing you now, Mr. Yagel, what's  
10       been marked as Plaintiff's Exhibit 173, and ask  
11       you if you've ever seen it before?

12          A           I don't recall seeing this.

13          Q           Why don't you take a minute to look at  
14       it?   And I'll ask you a few questions about it.

15          A           (Perusing document.)   Okay.

16          Q           Do you know who Laura Kraemer is?

17          A           Yes.

18          Q           Who is she?

19          A           She's an attorney that we -- has  
20       attended many -- some of our meetings.   Oh, wait.  
21       That's Susan Cooper.

22          Q           Right.

23          A           I don't know.   I don't recall knowing  
24       Laura.

25          Q           On April the 4th, 2007 had you been

1                               - Brett Yagel -

2       sworn in as a trustee of the --

3           A           I believe I had been, yes.

4           Q           We had talked earlier about a Pomona  
5       Civic Association Meeting on April the 4th, 2007.  
6       Do you recall some discussion about that?

7           A           Yes.

8           Q           You indicated that - I thought you did  
9       and I don't want to put words in your mouth -  
10      that you may have been at that meeting -- Strike  
11      that.

12                       I think you said you were at that  
13      meeting?

14          A           I was at that meeting.

15          Q           I turn your attention to Paragraph 10.  
16      It reads, "Trustee Yagel stated that the  
17      residents should make sure that when they speak  
18      publicly that they don't speak in a  
19      discriminatory manner because that could be  
20      construed as the village is discriminating."

21                       Did I read that correctly?

22          A           You read that correctly.

23          Q           Does that refresh your recollection as  
24      to whether or not you made such a comment?

25          A           Somewhat.

1 - Brett Yagel -

2	Q	Did you make that comment?
---	---	----------------------------

3           A           The specifics of it, I have documented  
4   in one of the prior exhibits what I thought I had  
5   said, so...

6 Q What is it that you recall after  
7 reading this now, Mr. Yagel?

8           A           I recalled saying something along the  
9    lines of everybody is allowed to develop their  
10   property and they should be careful not to state  
11   discriminatory phrases.

12	Q	In public?
----	---	------------

13	A	At all.
----	---	---------

14 Q So what, if anything, is incorrect  
15 about Paragraph 10 of this affidavit?

16           A           It's not that anything is incorrect.  
17           It's that I don't specifically recall saying as  
18           the village is discriminating.

19 Q Is it possible that you said exactly  
20 what is stated in Paragraph 10 of this affidavit?

21 MR. PELOS0: Object to the form.

22	A	Is it possible?
----	---	-----------------

23	0	Yes.
----	---	------

24	A	It's possible.
----	---	----------------

25 MR. STEPANOVICH: (Handing document to

1                               - Brett Yagel -

2           be marked.)

3                       (Whereupon, Emails, Bates No.

4           POM17094, was marked Plaintiff's Exhibit 174

5           for identification.)

6           Q        I'm handing you, Mr. Yagel, what's  
7           been marked as Plaintiff's Exhibit 174 and asking  
8           you to review that, please?

9           A        (Complying.)   Okay.

10          Q        At the top it appears to be an email  
11          from Brett Yagel to Rita Louie and Nick  
12          Sanderson; is that correct?

13          A        Yes.

14          Q        Dated April 2nd, 2007?

15          A        Yes.

16          Q        Do you recall the date that you were  
17          sworn in as a village trustee board member?

18          A        No.

19          Q        Would you have been on the board on  
20          April the 2nd, 2007?

21                   MR. PELOSO:   Object.

22          Q        If you know.

23          A        The date I was sworn in is a matter of  
24          public record that is kept by the village clerk  
25          in the files, so I don't recall the specific

1                               - Brett Yagel -

2       date.

3               Q       Fair enough.

4                       The email says, "I will also attend,  
5       kids in tow."

6                       Attend, would that have been attending  
7       the Pomona Civic Association meeting?

8               A       Yes.

9               Q       And you write "Must be very careful  
10       about what we say"; is that accurate?

11              A       Yes.

12              Q       What does that mean?

13              A       Do not use discriminatory language.

14              Q       At the Pomona Civic Association  
15       meeting; is that right?

16              A       Yeah.

17              Q       You write "Don't know who is in the  
18       audience"; is that correct?

19              A       Yes.

20              Q       "Who knows, Savad might show up  
21       again." Is that what you write?

22              A       Yes.

23              Q       Why were you concerned about Mr. Savad  
24       showing up at this meeting?

25              A       He likes to incite a crowd.



1                               - Brett Yagel -

2           Q           How is that?

3           A           His tone, his manner, his passion.

4           Q           Was it your concern that Mr. Savad  
5 might incite the crowd at this meeting?

6           A           Mr. Savad had made prior remarks in  
7 the paper about the client being well financed.

8           Q           How is that statement inciteful, Mr.  
9 Yagel?

10                       MR. PELOSO: Object to the form.

11          A           Rephrase.

12          Q           The statement that Mr. Savad -- that  
13 you attribute to Mr. Savad that the client is  
14 well financed, is that an inciteful statement in  
15 your opinion?

16          A           Not in and of itself, but coupled with  
17 RLUIPA it is.

18          Q           What's inciteful about RLUIPA, in your  
19 opinion?

20                       MR. PELOSO: Object to the form.

21          A           I believe the law is flawed.

22          Q           So because you believe it's flawed, in  
23 your opinion, it therefore becomes inciteful to  
24 reference the law?

25          A           Having witnessed Mr. Savad's tones and

1                               - Brett Yagel -

2       actions in the January meeting, I was concerned  
3       with him showing up at this meeting.

4               Q           I want to be clear for the record.  
5       You weren't concerned about any fear for your  
6       safety from Mr. Savad, were you?

7               A           No.

8               Q           And you weren't concerned about anyone  
9       else's physical safety from Mr. Savad, were you?

10              A           I didn't know Mr. Savad and I don't  
11       know Mr. Savad, so I don't know what he's capable  
12       of.

13              Q           How many times have you seen Mr. Savad  
14       in a public meeting?

15              A           At a public meeting or in general?

16              Q           Let's start there, public meeting.

17              A           At least once.

18              Q           Did you personally feel in any way  
19       threatened by Mr. Savad when you saw him in a  
20       public meeting?

21              A           Me personally?

22              Q           Yes, sir.

23              A           No.

24              Q           Did you feel as if anyone else in this  
25       public meeting felt threatened by Mr. Savad?

1                               - Brett Yagel -

2           A           I don't know what the others felt.

3           Q           Have you seen Mr. Savad in any other  
4 setting besides a public hearing?

5           A           Yes.

6           Q           Where was that?

7           A           Rockland Municipal Planning  
8 Federation.

9           Q           Did you feel threatened by Mr. Savad  
10 at that meeting?

11          A           Yes.

12          Q           In what way?

13          A           When he started whispering in my ear  
14 certain things. I don't appreciate being spoken  
15 to up closely.

16          Q           He whispered something in your ear?

17          A           Yes.

18          Q           Do you recall what it was?

19          A           Yes. "This will be a career ending  
20 case for me."

21          Q           Do you have any idea what he was  
22 referring to?

23          A           No.

24          Q           You write, "We must be careful about  
25 what we say."

1                               - Brett Yagel -

2                               Had anybody advised you to be careful  
3 what you say in public?

4                               MR. PELOSO: Once again, to the extent  
5 that --

6                               MR. STEPANOVICH: Yes.

7                               MR. PELOSO: Any comments by counsel.  
8 If you can answer the question without  
9 revealing any communications with counsel,  
10 please do so. If not, don't answer the  
11 question.

12 Q                   Can you answer the question?

13 A                   I was advised by counsel.

14 Q                   Is that the village counsel?

15                               MR. PELOSO: You know, if he answers  
16 the question it's going to reveal who gave  
17 the advice. Do not answer.

18 Q                   Withdrawn.

19                               MR. STEPANOVICH: (Handing document to  
20 be marked.)

21                               (Whereupon, Printout, "Save Ramapo,"  
22 Bates Nos. RC423-446, was marked Plaintiff's  
23 Exhibit 175 for identification.)

24 Q                   You have in front of you Plaintiff's  
25 Exhibit 175, Mr. Yagel.

1                               - Brett Yagel -

2           A           Okay.

3           Q           Have you ever seen this document  
4 before?

5           A           I don't recall.

6           Q           I think your prior testimony was that  
7 you had been involved with Preserve Ramapo for --  
8 since the beginning I thought you said. If I'm  
9 wrong, I stand to be corrected.

10          A           You're wrong.

11          Q           So how long have you been involved  
12 with Preserve Ramapo?

13          A           I believe as stated prior, it may have  
14 been 2003 or 2005. I'm leaning towards -- I  
15 can't recall.

16          Q           Again, I'm just trying to get a  
17 general idea. You began your involvement with  
18 Preserve Ramapo either in 2003 or 2005?

19          A           Somewhere along during one of the  
20 election campaigns. I don't know which election  
21 campaign it was.

22          Q           How did you get involved with Preserve  
23 Ramapo?

24          A           Getting emails, talking to people.

25          Q           Do you agree with the goals of

1                               - Brett Yagel -

2       Preserve Ramapo?

3                       MR. PELOSO:   Object to the form.

4               Q           Do you know what the goals -- what is  
5       the purpose of Preserve Ramapo, in your opinion?

6               A           I don't know what the overall goals of  
7       Preserve Ramapo are.

8               Q           Why did you get involved with Preserve  
9       Ramapo?

10              A           Because of the overdevelopment and the  
11       environmentally sensitive nature and the  
12       destruction of the wetlands in the Ramapo area.

13              Q           I direct your attention to Page 435 in  
14       this document, Mr. Yagel.   First of all, I'm  
15       sorry, did you say you didn't recall seeing this  
16       document?

17              A           That's correct.

18              Q           I'll direct your attention to Page  
19       435.   At the bottom it says, "I believe that the  
20       real estate taxes generated by the Hasidic  
21       community do not cover the cost of its children's  
22       transportation and special services provided by  
23       East Ramapo.   School taxes are the most  
24       burdensome of all local real estate taxes."

25                       Do you see that?

1                               - Brett Yagel -

2           A           Yes.

3           Q           Did I read that accurately?

4           A           Yes.

5           Q           Do you agree with that position?

6           A           I haven't read this entire document  
7 nor do I know the source or the substantive  
8 nature of this information.

9           Q           If we go to the beginning on Page 423,  
10 it looks like it was written by Robert Rhodes.  
11 And I'll give you some time to go through that.  
12 And at least see if what I'm quoting you is  
13 contained in Mr. Rhodes' article.

14          A           (Perusing document.)

15                       MR. PELOSO: I assume this is for the  
16 purpose so you can ask Mr. Yagel whether he  
17 agrees with the statement?

18                       MR. STEPANOVICH: Yes.

19                       MR. PELOSO: Do you understand that?

20                       THE WITNESS: No, say it again.

21                       MR. PELOSO: He's asking you to go  
22 through --

23                       THE WITNESS: 24 pages.

24                       MR. PELOSO: He's asking about this  
25 one statement down here. I believe he's

1                               - Brett Yagel -

2           asking, if I'm correct, whether as you sit  
3           here today whether you agree with that  
4           statement.

5                       MR. STEPANOVICH:   Yes.

6           A           I can't make an informed basis on it.

7           Q           Have you ever heard that statement  
8           before, that the real estate taxes generated by  
9           the Hasidic community do not cover the cost of  
10          its children's transportation --

11          A           No.

12          Q           -- and special services?

13                       You've never heard that before?

14          A           No.

15          Q           If you could turn to Page 438, the  
16          middle of the page.  The paragraph that reads,  
17          "This is not a struggle between good and evil; it  
18          is a struggle of rights in conflict.  On the one  
19          hand we have a very poor community with a very  
20          high birth rate that demands the right of its  
21          children to remain in the community.  On the  
22          other hand we have suburbanites who bought their  
23          homes with the expectation that their way of life  
24          would be protected by the existing zoning code.  
25          They too would like affordable housing for their



1                               - Brett Yagel -

2       children.  Neither community is going to go  
3       away."

4                               Did I read that accurately?

5           A           You read it as was on Page 438.

6           Q           Do you agree with that proposition set  
7       forth in that paragraph?

8           A           I can't make an informed decision on  
9       it.  I didn't write it and I don't know the  
10      information behind it.

11          Q           Have you ever heard the sentiment of  
12      the Orthodox, Hasidic community in Rockland  
13      County being a community with a very high birth  
14      rate?

15          A           Have I ever heard the sentiment?

16                      MR. PELOSO:  Did anybody say that?

17          Q           Yes.  Have you ever heard anybody say  
18      that?

19          A           Yes.

20          Q           Have you ever heard, continuing on  
21      that sentiment, that on the one hand -- Have you  
22      ever heard this sentiment?  That on the one hand  
23      the Orthodox, Hasidic community is a very poor  
24      community.  Have you ever heard that sentiment?

25                      MR. PELOSO:  Again, did he hear

1                               - Brett Yagel -

2           someone say that?

3           A           I can't recall.

4           Q           Is it possible that you heard that  
5 sentiment?

6                       MR. PELOSO: Object to the form.

7           Q           Is it?

8           A           Yes. Do I recall it? No.

9                       MR. STEPANOVICH: (Handing document to  
10 be marked.)

11                      (Whereupon, Document entitled, "The  
12 Real Discrimination," Bates No. POM20308,  
13 was marked Plaintiff's Exhibit 176 for  
14 identification.)

15           Q           I'm sorry. If you can go back to this  
16 exhibit, Mr. Yagel. Turn your attention to Page  
17 425.

18           A           Okay.

19           Q           Towards the bottom of the page it's  
20 entitled, "Population Growth in the Hasidic  
21 Community."

22                      "As we have just argued, an  
23 examination of the population growth in Ramapo's  
24 Hasidic communities should be the central focus  
25 of any land use plan in Ramapo."

1                               - Brett Yagel -

2                       Did I read that correctly?

3           A           Yes.

4           Q           Do you agree with that proposition?

5                       MR. PELOSO:   Presently?

6           Q           Now.   Do you agree with that  
7 proposition presently?

8           A           Yes.

9           Q           Would that have been your sentiment  
10 back in 2007?

11          A           Again, I don't recall seeing this  
12 document, and this document was dated 2004.

13          Q           I understand.   You just testified that  
14 you agreed with that proposition now.   I'm asking  
15 you if --

16          A           First of all, "As we have just argued,  
17 an examination of population growth in Ramapo's  
18 Hasidic community should be the central focus of  
19 land," -- no, I correct myself.   I do not agree  
20 with that.

21          Q           What is it that you disagree about  
22 with that statement?

23          A           All population growth should be  
24 examined and it shouldn't be specific to any  
25 specific religion.   And I also disagree with "as

1                               - Brett Yagel -

2       we have just argued." I don't know who the "we"  
3       is.

4                       MR. PELOSO: He's not asking you that.

5       Q            I didn't ask you that.

6       A            Okay. Thank you.

7       Q            Do you have any data, Mr. Yagel, about  
8       the growth of the Orthodox, Hasidic population in  
9       Rockland County?

10      A            I do not.

11      Q            Now we are on to 176. And ask if you  
12      can you identify 176?

13      A            It's a letter, correspondence, "The  
14      Real Discrimination."

15      Q            Yes, have you ever seen this before?

16      A            Yes.

17      Q            When did you see this?

18      A            My wife wrote into the Journal News.

19      Q            Is 176 the letter written by your  
20      wife?

21      A            I know there was something published  
22      by my wife. I don't know if this is what she  
23      submitted.

24      Q            The second page, there's one line.  
25      "The real discrimination comes more from the

1                               - Brett Yagel -

2       Hasidic communities who do not welcome or respect  
3       other faiths and want to keep out anyone who is  
4       not part of their community."

5                               Do you see that?

6           A           Yes.

7           Q           Did I read that accurately?

8           A           Yes.

9           Q           Do you agree with that statement?

10          A           No.

11          Q           How do you disagree with that  
12       statement?

13          A           Discrimination, "the real  
14       discrimination comes from Hasidic communities."

15          Q           You disagree with that statement?

16          A           Uh-huh, yes.

17          Q           The rest of the statement do you agree  
18       with?

19          A           Let me read the whole article.

20          Q           Sure.

21          A           (Reading document.) I disagree with  
22       the whole thing, the last -- the real  
23       discrimination, that paragraph.

24          Q           Did you see this letter before it was  
25       submitted to the newspaper?

1                               - Brett Yagel -

2                   MR. PELOSO: I object.

3           Q        If in fact it was.

4                   MR. PELOSO: That's the basis of my  
5       objection.

6                   MR. STEPANOVICH: I understand.

7           A        I may have, I don't recall.

8           Q        Did you edit this letter, Plaintiff's  
9       Exhibit 176?

10          A        I may have.

11          Q        Do you recall the contents of any of  
12       your edits?

13          A        No.

14                   MR. STEPANOVICH: (Handing document to  
15       be marked.)

16                   (Whereupon, Document entitled,  
17       "Critique of Ramapo FGEIS," Bates Nos.  
18       POM0012887-97, was marked Plaintiff's  
19       Exhibit 177 for identification.)

20          Q        I'm handing you, Mr. Yagel, what's  
21       been marked as Plaintiff's Exhibit 177, and ask  
22       if you've ever seen this document before?

23          A        I may have seen it, yes.

24          Q        Do you recall when it was that you saw  
25       this?

1                               - Brett Yagel -

2           A           No.

3           Q           This is entitled, "Critique of Ramapo  
4 FGEIS," authored by Robert Rhodes; is that right?

5           A           That's what it states.

6           Q           Again, you don't recall when you saw  
7 this before?

8           A           That's correct.

9                       MR. STEPANOVICH: (Handing document to  
10 be marked.)

11                      (Whereupon, Article entitled, "Trustee  
12 looks at Ramapo housing," Bates No. RC408,  
13 was marked Plaintiff's Exhibit 178 for  
14 identification.)

15          Q           I'm handing you, Mr. Yagel, what's  
16 been marked as 178, and ask if you've ever seen  
17 this before?

18          A           I don't recall.

19          Q           It's entitled, "Trustee looks at  
20 Ramapo housing," dated 4/18/03, authored by  
21 Robert Rhodes. Does that sound like an accurate  
22 description?

23          A           The date is printed on it, but I don't  
24 know if that's the actual date. It appears to be  
25 a Community View by Robert Rhodes.

- Brett Yagel -

Q The first paragraph reads, "There's only one group in unincorporated that Ramapo that is growing very rapidly and that is a religious community."

Did I read that accurately?

A            Yes.

Q Do you agree that there's only one group in unincorporated Ramapo that is growing very rapidly and that is a religious community?

MR. PELOSO: Presently?

0 Back then in '03.

A I can't make an informed decision  
because I don't have the empirical data to base  
that on.

Q Did you ever have occasion to do any research regarding the empirical data regarding population growth in Rockland County?

A I looked at the 1990 U.S. Census and the maybe 2000 Census, but I don't even recall.

Q The results of that investigation?

A            Exactly.

Q Why would you have looked at the 1990 and 2000 Census figures?

MR. PELOSO: Why would you or why did



1                               - Brett Yagel -

2           you?

3           Q           Why did you?

4           A           We received since -- the Census has to  
5   come out every ten years. I know during one of  
6   the periods we had to fill out the Census form  
7   and I was interested to see how the numbers were,  
8   what the latest Census and also the prior Census.

9           Q           Again you don't -- let me ask another  
10   question.

11                       Do you recall ever seeing this Exhibit  
12   178 at all?

13          A           I don't recall.

14                       MR. STEPANOVICH: (Handing document to  
15   be marked.)

16                       (Whereupon, Document entitled, "Land  
17   Use Leadership Alliance Training Program  
18   2008 Rockland County," Bates No. POM20299,  
19   was marked Plaintiff's Exhibit 179 for  
20   identification.)

21          Q           I'm handing you now, Mr. Yagel, what's  
22   been marked as Plaintiff's Exhibit 179, and ask  
23   if you can identify that document, please?

24          A           This was information that was  
25   submitted to the Land Use Law Center regarding

1                               - Brett Yagel -

2       being a potential candidate to attend the Land  
3       Use Leadership Alliance Training Program in 2008.

4               Q           Would this training program have been  
5       in Rockland County?

6               A           I don't know.   Is Bear Mountain  
7       Rockland County?

8               Q           You're asking the wrong guy.

9                       MR. PELOSO:   He can't answer  
10       questions.

11                      MS. SOBEL:   He couldn't answer anyway.

12              Q           For a couple of reasons.

13              A           Could you be more specific?

14              Q           Withdrawn.

15                      Did you prepare this application?

16              A           Yes, I did.

17              Q           On the second page, Mr. Yagel, under  
18       number one the question is:  What are the major  
19       projects, controversies, and land use issues  
20       being dealt with in your community?  And then you  
21       go on to list some issues.

22                      Did you prepare this, Plaintiff's 179?

23              A           Yes, I did.

24                      MR. STEPANOVICH:  (Handing document to  
25       be marked.)

1                               - Brett Yagel -

2                       (Whereupon, Email dated 2/25/07, Bates  
3       No. POM36716, was marked Plaintiff's Exhibit  
4       180 for identification.)

5                       MR. STEPANOVICH: This is 181.

6                       (Whereupon, Various letters, Bates No.  
7       POM36717, was marked Plaintiff's Exhibit 181  
8       for identification.)

9               Q       I'm handing you, Mr. Yagel, what's  
10      been marked as Plaintiff's Exhibit 180, and ask  
11      if you recognize that document?

12              A       Yes.

13              Q       This was an email sent from you to  
14      Nick Sanderson and Rita Louie on February 25th,  
15      2007; is that right?

16              A       Yes.

17              Q       This email address,  
18      Brett@VillageCommunityParty.com, that was one of  
19      the emails you had back in February '07?

20              A       Yes.

21              Q       That again was one of the emails that  
22      you searched for documents?

23              A       Yes.

24              Q       The subject is "Preserve Ramapo RLUIPA  
25      Letter - Being Killed."

1                               - Brett Yagel -

2                   Is that what it says?

3           A           Yes.

4           Q           You write, "Nick, Rita - I just got  
5 off the phone with Bob Rhodes."

6                   And do you recall the conversation  
7 that you had with Bob Rhodes in reference to this  
8 email?

9           A           I do not.

10          Q           Would it have had anything to do with  
11 a letter regarding RLUIPA?

12          A           It could have based upon the next  
13 sentence.

14          Q           Let's turn now to the next exhibit  
15 which is Plaintiff's 181, and ask if you can  
16 identify that document?

17          A           (Perusing document.) Okay.

18          Q           Have you ever seen Plaintiff's 181  
19 before?

20          A           I believe I have.

21          Q           Could Plaintiff's 181 be the  
22 attachment that's referenced in Plaintiff's 180?

23                   MR. PELOSO: Object to the form.

24          Q           If you know.

25          A           I don't recall.

1                               - Brett Yagel -

2           Q           Did you prepare these letters  
3 contained in Plaintiff's 181?

4           A           I did not.

5           Q           Do you know who did?

6           A           I don't recall.

7           Q           Would it have been Mr. Rhodes?

8                       MR. PELOSO: Object to the form.

9           Q           If you know.

10          A           I don't recall.

11          Q           You composed the email of 180; is that  
12 right?

13          A           Yes.

14          Q           You write, "I just got off the phone  
15 with Bob Rhodes. He'll have the link killed to  
16 the RLUIPA letter that PR had drafted."

17                       Did I read that accurately?

18          A           Yes.

19          Q           What do you mean by PR?

20          A           Preserve Ramapo.

21          Q           Does that refresh your recollection of  
22 who might have drafted these letters?

23          A           No. But I can tell you it wasn't me.

24          Q           Was it your intention to forward these  
25 letters onto Marci Hamilton?

1                               - Brett Yagel -

2                   MR. PELOSO: Object to the form.

3           Q           Was that what you said in the last  
4 line of No. 180?

5           A           "So that we can forward." I wasn't  
6 going to forward.

7           Q           Do you have any idea who was going to  
8 forward this onto Marci Hamilton for comment?

9           A           No.

10          Q           Now, on February 25th, 2007 was Marci  
11 Hamilton still representing you, Mr. Sanderson  
12 and Miss Louie?

13          A           Yes.

14          Q           You reference the subject "Preserve  
15 Ramapo RLUIPA letter - Being Killed."

16                       What did you mean by being killed?

17          A           Link killed to the RLUIPA letter.

18          Q           What does that mean?

19          A           PR must have had a link to it.

20          Q           I see. So when you say Preserve  
21 Ramapo -- PR references Preserve Ramapo, correct?

22          A           Yes.

23          Q           And is it your understanding that at  
24 the time February of '07 PR had linked to this  
25 RLUIPA letter?

1                               - Brett Yagel -

2                   MR. PELOSO: I'm going to object. I  
3           don't think he's testified there's a link  
4           between this email and the letters. Based  
5           on that you can still answer the question.

6           Q           I'm going to represent to you, Mr.  
7   Yagel, that this --

8           A           This was on the -- I believe this  
9   might have been on Preserve Ramapo site  
10   (indicating).

11          Q           And when you say this, you are  
12   referencing the letter to --

13          A           This may have. I'm assuming that this  
14   is what was referenced, but I can't know that for  
15   sure.

16          Q           You recall seeing Plaintiff's 181  
17   before; is that correct?

18          A           Yes.

19          Q           Did you make any edits to this letter,  
20   Plaintiff's 181?

21          A           I don't recall.

22          Q           Do you recall sending this, I'm going  
23   to use the word off of 180, RLUIPA collage. 181  
24   contains what appears to be the same letter  
25   addressed to Charles Schumer, Hillary Rodham

1                               - Brett Yagel -

2       Clinton, Eliot Engel, Thomas Morahan, and Kenneth  
3       Zebrowski.

4                       Do you agree with my characterization  
5       of that?

6       A           Yes.

7                       MR. STEPANOVICH:  (Handing document to  
8       be marked.)

9                       (Whereupon, Document entitled, "The  
10       Patrick Farm Sellout - Three Betrayals,"  
11       Bates Nos. RC570-573, was marked Plaintiff's  
12       Exhibit 182 for identification.)

13       Q           I'm handing you now, Mr. Yagel, what's  
14       been marked as Plaintiff's Exhibit 182, and ask  
15       if you can identify that document, please?

16       A           This is an article that appeared on  
17       the Preserve Ramapo website.

18       Q           Were you one of the authors of this  
19       article?

20       A           I did not write the article in its  
21       entirety, but I provided some of the information.

22       Q           Your name is at the end of the  
23       article, along with Michael Castelluccio and  
24       Marlaine Paone; is that correct?

25       A           Yes.



1                               - Brett Yagel -

2           Q           Do you recall when this article was  
3 posted on the Preserve Ramapo website?

4           A           Shortly after the ASH zones were  
5 established and the state -- and destruction of  
6 state and federal wetlands.

7           Q           You agree with the contents of this  
8 article, correct?

9                       MR. PELOSO:   Presently or at the time?

10          Q           At the time it was written.

11          A           Yeah.   Yes.

12          Q           Why did you sign your name on the  
13 article?

14          A           I had provided some information to  
15 Michael.   I did not sign my name to it.   He  
16 signed my name to it and gave me credit for some  
17 of the information that was supplied.

18          Q           Do you recall by looking at this 182  
19 what information it was that you supplied?

20          A           Background information on the size of  
21 the parcel and its location, information about  
22 the water leading into the Mahwah River, some of  
23 the adult student housing zone information, the  
24 protected wetlands information, the Army Corps  
25 information May 17th, 2004, the damage, the

1                               - Brett Yagel -

2       damage, not all the damage has been remediated,  
3       the cutbacks to the staff of the Army Corps of  
4       Engineers, the petition to form the Village of  
5       Ladentown. It was in early to late 2004 if I  
6       remember right.

7           Q           Flipping back to the first page, the  
8       fourth paragraph down. Did you provide that  
9       information on that paragraph - one, two, three,  
10      four - the fourth paragraph that begins "Today,  
11      Patrick Farm"?

12          A           No.

13          Q           Did you know at the time this was  
14      written who was going to reside in the apartment  
15      houses referenced in that paragraph?

16          A           No.

17          Q           Did you know at the time this was  
18      written whether or not there were going to be  
19      religious institutions on this property?

20          A           Yes.

21          Q           How did you know that?

22          A           Because this was one of the four sites  
23      that the supervisor has designated under the ASH  
24      zoning.

25          Q           When you say ASH, you are referring to

1                               - Brett Yagel -

2       the adult student housing zone?

3           A           Adult student housing zone.

4           Q           Now turn your attention to the final  
5       paragraph, Mr. Yagel. It reads, "We have arrived  
6       at a point in Ramapo history when those who make  
7       fortunes in development also now control the  
8       access ordinary citizens have to their  
9       constitutional rights. Yet on their part, the  
10      developers ignore environmental regulations, and  
11      ask for and get outrageous exemptions from the  
12      zoning laws that apply to everyone but them. And  
13      at their side is the Town Supervisor Christopher  
14      St. Lawrence with the Ramapo Town Board standing  
15      right behind them."

16                       Did I read that accurately?

17          A           Yes.

18          Q           Do you agree with that sentiment?

19                       MR. PELOSO: Presently or --

20          Q           Did you agree with that back at the  
21      time?

22          A           Yes.

23                       MR. STEPANOVICH: (Handing document to  
24      be marked.)

25                       (Whereupon, Document entitled,

1                               - Brett Yagel -

2           "Preserve Ramapo endorsement," Bates No.  
3           POM20043, was marked Plaintiff's Exhibit 183  
4           for identification.)

5           Q           In your election bid in 2007 you were  
6           endorsed by Preserve Ramapo?

7           A           Yes. 2007, yes.

8           Q           I'm handing you Plaintiff's Exhibit  
9           183, and ask you if you recognize that document?

10          A           Yes. I read it.

11          Q           Is 183 the endorsement of your  
12          candidacy by Preserve Ramapo?

13          A           Yes. I believe so.

14          Q           At the time Bob Rhodes was the  
15          chairman of Preserve Ramapo, correct?

16          A           Yes.

17                       MR. STEPANOVICH: (Handing document to  
18                       be marked.)

19                       (Whereupon, Emails, Bates No.  
20                       POM17235, was marked Plaintiff's Exhibit 184  
21                       for identification.)

22          Q           Do you know a Rabbi Zaks?

23          A           Yes.

24          Q           How do you know Rabbi Zaks?

25          A           I know of Rabbi Zaks. There are two

1                               - Brett Yagel -

2 rabbis and they are affiliated with Mosdos  
3 Chofetz Chaim, which was one of the developments  
4 designated as ASH, the Nike base.

5           Q           Mosdos Chofetz Chaim, was that one of  
6 the organizations that the Village of Pomona was  
7 involved in litigation with, if you recall?

8           A           I don't recall if we were involved  
9 with litigation against the organization.

10          Q           Do you recall anything about --

11          A           I know there's litigation on the  
12 property.

13          Q           That's owned by?

14          A           Chofetz Chaim.

15          Q           I'm handing you now, Mr. Yagel, what's  
16 been marked as 184.

17          A           Yes.

18          Q           Have you ever seen 184 before?

19          A           Yes.

20          Q           What is it?

21          A           It is a letter, an email that I  
22 believe originated from Peter Katz, who was  
23 involved or is involved with the Preserve Ramapo  
24 organization.

25          Q           Do you want to complete your answer?

1                               - Brett Yagel -

2           A           I'm not the author of this. I just  
3 was a recipient of it.

4           Q           Who did you send it to?

5           A           I sent it from my prior work address  
6 to my home email address.

7           Q           Did you distribute this email to  
8 anyone else?

9           A           I don't recall.

10          Q           What was the reason that you sent this  
11 email from your work address to your home  
12 address?

13          A           I don't recall.

14          Q           This apparently is a notification  
15 about a court appearance for Rabbi Zaks. Is that  
16 your understanding?

17          A           It appears to be. Well, I don't know  
18 if this was from Peter Katz. I don't know who  
19 originated this.

20          Q           Is it possible that you sent blind  
21 copies of this email to anyone besides yourself?

22                       MR. PELOSO: Object to the form.

23          A           Is it possible?

24          Q           Yes.

25          A           Anything is possible. Did I? I have

1                               - Brett Yagel -

2       no recollection of doing so.

3           Q           Did you attend the court date?

4           A           No.

5                       MR. STEPANOVICH: (Handing document to  
6       be marked.)

7                       (Whereupon, Emails, Bates No.

8       POM21307, was marked Plaintiff's Exhibit 185  
9       for identification.)

10          Q           I'm handing you now, Mr. Yagel, what's  
11       been marked as Plaintiff's Exhibit 185, and ask  
12       if you can identify that?

13          A           It's a letter that or correspondence,  
14       an email that I had with Mike Castelluccio.

15          Q           There's an email, it begins on the  
16       second page, from you to  
17       preserveramapo@optonline.net.

18          A           Yeah.

19          Q           Preserveramapo@optonline.net, was that  
20       Mike Castelluccio's email at that time on January  
21       of '07?

22          A           I don't know if it was his personal  
23       email.

24          Q           But you recognize that email is  
25       something that you composed and sent to Mr.

1                               - Brett Yagel -

2       Castelluccio; is that right?

3           A           Yes.

4           Q           Who is tinafrawley@optonline.net?

5           A           She is somebody who is or was involved  
6       with the Preserve Ramapo organization.

7           Q           Coming back to the first page, there's  
8       an email, what appears to be from you, January  
9       11, 2007 to llcastel merlin?

10          A           Uh-huh.

11          Q           It looks like would that be Mr.  
12       Castelluccio's email?

13          A           I believe so, yeah.

14          Q           That's regarding the Camp Dora  
15       property, Village of Pomona, is that what it  
16       says?

17          A           Well, the subject of this entire email  
18       is Camp Dora property, yes.

19          Q           And you composed this first page of  
20       this exhibit, this email to Mr. Castelluccio?

21          A           I believe I did.

22          Q           Take as much time as you need.

23                       MR. PELOSO: He said he did.

24                       MR. STEPANOVICH: He said he believes.

25          A           I believe I did it. Yes, I did.



1                               - Brett Yagel -

2                   MR. STEPANOVICH: Next.

3                   (Whereupon, Draft of letter, Bates No.  
4           POM20319, was marked Plaintiff's Exhibit 186  
5           for identification.)

6           Q        I'm handing you, Mr. Yagel, what's  
7           been marked as Plaintiff's 186, and ask if you  
8           can identify that, please?

9           A        It looks like a draft of a letter  
10          about the Patrick Farm property.

11          Q        Did you draft this letter?

12          A        I may have drafted portions, yes.

13          Q        Do you recall which portions that you  
14          drafted?

15          A        No.

16          Q        The comments on the right-hand side  
17          all have the initials BLY; is that right?

18          A        Yes.

19          Q        Would those be comments by you?

20          A        Those would be comments -- those would  
21          be inserted electronic comments from the Word  
22          feature.

23          Q        Track changes?

24          A        Track changes. So whoever was on my  
25          account or home machine could have done this too,

1                               - Brett Yagel -

2       so...

3           Q           Well, if you take a minute --

4           A           Or at work or --

5           Q           Pardon me?

6           A           Or at work.

7           Q           Do you know whether or not those  
8       comments on the right-hand side of the pages were  
9       made by you?

10          A           Yeah, looks like it.

11          Q           Do you know who this letter was sent  
12       to?

13          A           I don't think this letter was ever  
14       sent.

15          Q           Well, it looks like -- you said the  
16       comments were yours. Do you know who drafted the  
17       body of the letter?

18                   MR. PELOSO: Objection. I think he's  
19       addressed that. But you can answer the  
20       question.

21          Q           I'm sorry if I missed it.

22          A           I could have been the author of  
23       portions of this letter.

24          Q           By reviewing this letter could you  
25       tell what portions you were not the author of?

1                               - Brett Yagel -

2           A           No, because this is a very old letter.

3           Q           How do you know it's a very old  
4 letter?

5           A           Because it's when the Patrick Farm was  
6 zoned RR80, which is two acres, so this is 2003,  
7 2004 I believe.

8           Q           Do you know who the intended recipient  
9 was of this letter?

10                       MR. PELOSO: Object to the form.

11          A           I don't know.

12                       MR. STEPANOVICH: (Handing document to  
13 be marked.)

14                       (Whereupon, Email dated 7/11/07, Bates  
15 No. POM16958 was marked Plaintiff's Exhibit  
16 187 for identification.)

17          Q           I'm handing you what has been marked  
18 as Plaintiff's Exhibit 187, Mr. Yagel, and ask if  
19 you recall receiving this email?

20          A           Do I recall receiving this specific  
21 one?

22          Q           Yes, sir.

23          A           No.

24          Q           Do you know who Bob Prol is?

25          A           Yes.

1                               - Brett Yagel -

2           Q           Back in July of '07 did you have  
3           conversations with Mr. Prol regarding the  
4           Tartikov property?

5           A           Yes.

6           Q           Back in July of '07 do you recall  
7           having email communications with Mr. Prol  
8           regarding the Tartikov property?

9           A           I may have, yes.

10          Q           This email appears to be from Mr. Prol  
11          addressed to Nick Sanderson, Ian Banks, Rita  
12          Louie and you.

13                       Is that what it appears to be?

14          A           Yes.

15          Q           Subject: Thank you for your  
16          leadership of our village and your support of our  
17          long-standing zoning laws.

18                       Is that what it says?

19          A           Yes.

20          Q           The subject of your conversations with  
21          Mr. Prol back in July of '07, did they concern  
22          this subject line?

23          A           Yes.

24          Q           At the time in July of '07 you had  
25          that email [brett.yagel@pomonavillage.com](mailto:brett.yagel@pomonavillage.com)?

1                               - Brett Yagel -

2           A           Yes.

3                       MR. STEPANOVICH:  (Handing document to  
4           be marked.)

5                       (Whereupon, Email dated 8/3/07, Bates  
6           No. POM33298, was marked Plaintiff's Exhibit  
7           188 for identification.)

8           Q           I'm handing you, Mr. Yagel, what's  
9           been marked as 188, and ask have you ever seen  
10          this document before?

11          A           Yes.

12          Q           What is it?

13          A           It is a comment that was made from  
14          somebody back in July of 2007 on the  
15          yeshivaworld.com website.

16          Q           Did you extract the comment and place  
17          it into this email?

18          A           Yes.

19          Q           You sent it on to Nick Sanderson and  
20          Rita Louie?

21          A           Yes.

22          Q           On the bottom it's "Comment by  
23          maitiv."  Do you know who maitiv was?

24          A           No.

25          Q           Why did you send this comment on to

1                               - Brett Yagel -

2       Mr. Sanderson and Miss Louie?

3           A           Because it had the word Tartikov in  
4       it.

5           Q           Why was the word Tartikov relevant to  
6       you at this time?

7           A           Because a Complaint had been filed  
8       during the prior month by the Rabbinical College  
9       of Tartikov, Incorporated.

10          Q           Did you do any independent  
11       investigation regarding the contents of this  
12       email?

13          A           No.

14                       MR. STEPANOVICH: (Handing document to  
15       be marked.)

16                       (Whereupon, Board of Trustees Minutes,  
17       3/24/08, Bates No. POM19941, was marked  
18       Plaintiff's Exhibit 189 for identification.)

19          Q           Did you ever have the opportunity, Mr.  
20       Yagel, to vote on the tax exemption request by  
21       the Congregation Rabbinical College of Tartikov?

22          A           I did.

23          Q           What was your vote?

24          A           Nay.

25          Q           Who else voted nay on that tax

1                               - Brett Yagel -

2       exemption?

3           A           Trustee Louie.

4           Q           I'm handing you what's been marked as  
5       189, and ask if those minutes accurately reflect  
6       your vote on that topic? Please feel free to  
7       look at the whole document, but I'm going to  
8       direct your attention to the first page.

9           A           Yes.

10          Q           So these minutes reflect your negative  
11       vote on the tax exemption for the Rabbinical  
12       College of Tartikov?

13          A           That's correct.

14          Q           Which was -- that vote again, I'm  
15       sorry, was in?

16          A           3-2. 2008.

17                       MR. STEPANOVICH: (Handing document to  
18       be marked.)

19                       (Whereupon, Board of Trustees Minutes,  
20       3/23/09, Bates No. POM20206, was marked  
21       Plaintiff's Exhibit 190 for identification.)

22          Q           In 2009, Mr. Yagel, did you have  
23       occasion to vote on a tax exemption by the  
24       Rabbinical College of Tartikov? I'm handing you  
25       now what's been marked 190. Maybe that will

1                               - Brett Yagel -

2       refresh your recollection. And I direct you to  
3       the second page, midway down.

4               A           Okay.

5               Q           Does Plaintiff's Exhibit 190 refresh  
6       your recollection as to whether or not you voted  
7       on a tax exemption for the Congregation  
8       Rabbinical College of Tartikov in 2009?

9               A           Yes.

10              Q           What was your vote?

11              A           Nay.

12              Q           Does Exhibit 190 accurately reflect  
13     your vote on that issue?

14              A           I believe it does.

15                       MR. STEPANOVICH: (Handing document to  
16     be marked.)

17                       (Whereupon, Email dated 6/28/06, Bates  
18     No. POM17244, was marked Plaintiff's Exhibit  
19     191 for identification.)

20              Q           I'm handing you, Mr. Yagel, what's  
21     been marked as Plaintiff's Exhibit 191, and ask  
22     if you can identify it?

23              A           An email that was sent to my home  
24     address from my prior work employer's address,  
25     email address.



1                               - Brett Yagel -

2           Q           Why would you do that?

3                       MR. PELOSO: Object to the form.

4           Q           Why would you send an email from your  
5 prior work address to your home address?

6                       MR. PELOSO: Objection.

7           Q           If you know.

8           A           I recall my wife calling me and saying  
9 that she had gotten a call from Ruth Graifman, I  
10 believe it was Ruth Graifman, who was the wife  
11 of Julius Graifman who was the Rockland County  
12 Sewer Commissioner.

13                      We had attended a meeting on or about  
14 this date I believe it was and Miss Graifman had  
15 called my home to my knowledge as my wife told me  
16 and in response I guess to something, an article  
17 that might have been written. And said something  
18 about, well, New Square -- this was not my wife.  
19 This is what my wife said was stated to her by  
20 one of the Graifmans. "New Square are Hasidic  
21 Jews and what's going to happen on the Patrick  
22 Farm, those are best -- different types of  
23 people."

24           Q           What you just said about Patrick Farms  
25 being different types of people, that's not

1                               - Brett Yagel -

2       contained in this email, is it?

3           A           No. But I know it was because of the  
4       Patrick Farm development that was going in and  
5       Mr. Graifman alluded to my wife that the sewers  
6       had been upgraded in 1999.

7           Q           So does this appear to be -- I don't  
8       want to put words in your mouth. But this email  
9       seems to be a capture of a phone call that your  
10      wife had with Mr. Graifman?

11                       MR. PELOSO: Objection.

12          Q           For lack of a better term. I'm just  
13      trying to figure out what it is.

14          A           It's notes that I wrote down after my  
15      wife told me what had happened.

16          Q           Why would you write notes --

17          A           I thought it was interesting that --

18                       MR. PELOSO: Let him finish the  
19      question.

20          Q           So you thought it was interesting?

21          A           I thought it was interesting --

22                       MR. PELOSO: I got to object to the  
23      question first.

24          A           Okay. Finish the question, please.

25          Q           Why would you write notes on this

1                               - Brett Yagel -

2       phone call?

3                       MR. PELOSO:  Objection.

4               Q           You can answer.

5               A           I thought it was interesting that an  
6       official such as Mr. Graifman or Mrs. Graifman  
7       would be calling my house.

8               Q           In June of '06 you weren't on the  
9       village board, were you?

10              A           No.

11             Q           Do you have any idea why they were  
12      calling your house?

13             A           I think this might have been a  
14      response to an article that my wife had written  
15      into the Journal News on.

16             Q           Would that have been the article that  
17      we referenced prior that was written by your  
18      wife?

19             A           I don't recall the specific dates of  
20      it.

21             Q           Do you recall how many articles your  
22      wife wrote to the Journal News regarding the,  
23      quote, discrimination issues in Pomona?

24             A           I don't recall.  I think one regarding  
25      the Patrick Farm.

1                               - Brett Yagel -

2           Q           The last line references a meeting  
3 last night. Do you have any idea what that  
4 means?

5           A           There was a meeting I believe at the  
6 Crowne Plaza regarding sewerage issues in the  
7 Town of Ramapo.

8           Q           Did you attend that meeting?

9           A           Yes.

10          Q           Did your wife attend that meeting?

11          A           I believe she did, yes.

12          Q           Again, the subject was what? I'm  
13 sorry.

14          A           Sewer issues, overflow issues.

15          Q           In the Town of Ramapo?

16          A           In the Town of Ramapo.

17          Q           The meeting was sponsored by what  
18 group, if you recall?

19          A           I can't recall.

20          Q           This email references Mr. Graifman  
21 saying, "Where do you live? Pomona. We upgraded  
22 the sewers in 1999. You don't have a problem."

23                       Do you recall that?

24                       MR. PELOSO: Recall what?

25          Q           Recall that statement, writing that

1                               - Brett Yagel -

2       statement.

3           A           I recall writing that statement based  
4       upon what my wife had told me.

5           Q           That Mr. Graifman had told her?

6           A           Yes.

7                       MR. STEPANOVICH: (Handing document to  
8       be marked.)

9                       (Whereupon, Emails, Bates No.  
10       POM34701, was marked Plaintiff's Exhibit 192  
11       for identification.)

12          Q           I'm handing you now, Mr. Yagel, what's  
13       been marked as 192. Can you identify this  
14       document?

15          A           I believe it was a letter from -- it  
16       was an email from Lisa Thorsen to myself  
17       regarding Doris Ulman, Village Counsel, faxing  
18       over the attached letter regarding the above to  
19       the Zoning Board of Appeals regarding a property  
20       that bordered the Village of Pomona.

21          Q           So it regarded Bobover Yeshiva of  
22       Monsey; is that right?

23          A           Yes.

24          Q           Do you recall there being any issue  
25       regarding that yeshiva within the Village of

1                               - Brett Yagel -

2       Pomona?

3                       MR. PELOSO: Object to the form as  
4       vague.

5       Q       In other words, I'm just trying to  
6       figure out why this would be a matter of concern  
7       to a Village of Pomona official.

8                       MR. PELOSO: Objection.

9       A       It was within 500 feet of the Village  
10      of Pomona.

11      Q       Was it --

12      A       To my knowledge that's what I recall.

13      Q       Was it a yeshiva being built and they  
14      were seeking comment from the Village of Pomona?

15      A       Whether it has been built or was  
16      built, it was within 500 feet of the Village of  
17      Pomona and the village had the opportunity to  
18      comment on it.

19      Q       You write, "Thanks Lisa. I see that  
20      my correspondence with NYCOM has paid off. Doris  
21      included it in the email."

22                       Who is NYCOM?

23      A       The New York Council or Conference of  
24      Municipal Officials.

25      Q       What was your correspondence in

1                               - Brett Yagel -

2       reference to this issue?

3           A           I cannot recall.

4           Q           Were you opposed to the Bobover  
5       Yeshiva of Monsey?

6                       MR. PELOSO:   Object to the form.

7           Opposed to what?

8           Q           To the construction of the Bobover  
9       Yeshiva of Monsey.

10          A           If this is the one in question on the  
11       end of Babcock Lane, I believe it had to do with  
12       an access road going into the Patrick Farm and  
13       also the draining of wetlands on the property.

14                       (Witness made a statement to counsel.)

15          Q           Was that something you wanted on the  
16       record?

17          A           No.

18                       MR. STEPANOVICH:   (Handing document to  
19       be marked.)

20                       (Whereupon, Email dated 8/13/07, Bates  
21       No. POM33294, was marked Plaintiff's Exhibit  
22       193 for identification.)

23          Q           I'm handing you now, Mr. Yagel, what's  
24       been marked as 193, and ask if you can identify  
25       that?

1                               - Brett Yagel -

2           A           It's an email that I sent to the board  
3 of trustees from myself when I did a search on  
4 Tartikov Babad and an article on one of the  
5 Jewish blogs came up and I posted the link and  
6 email and I sent it on to the board members.

7                       MR. STEPANOVICH: (Handing document to  
8 be marked.)

9                       (Whereupon, Email dated 2/15/07, Bates  
10 No. POM17119, was marked Plaintiff's Exhibit  
11 194 for identification.)

12          Q           I'm handing you, Mr. Yagel, what's  
13 been marked as Plaintiff's Exhibit 194, and ask  
14 if you can identify that, please?

15          A           That was an email that I had received  
16 from Bob Rhodes regarding population projections  
17 back in February of 2007 by a company called  
18 Geolytics, and I forwarded it to Nick Sanderson.

19          Q           Back in February of 2007 you were  
20 running for board of trustees in Pomona; is that  
21 right?

22          A           Yes.

23          Q           Did you do any further investigation  
24 with this company Geolytics?

25          A           I did not.



1                               - Brett Yagel -

2           Q           What did you understand the purpose of  
3 this --

4           A           I don't recall the full --

5                       MR. PELOSO: Let counsel ask his  
6 question first.

7           Q           I'll withdraw that.

8                       Let's go to the second paragraph from  
9 the end. First of all, let me retract that.  
10 This email was -- I retract that as well.

11                      Second paragraph from the bottom says,  
12 "This data will be most useful both in court when  
13 you argue, among other things, that there's a  
14 compelling government interest in restricting  
15 large scale religious housing and in the court of  
16 public opinion."

17                      Is that right?

18                      MR. PELOSO: You mean did you read  
19 it --

20           Q           Did I read that accurately? I'm  
21 sorry.

22           A           You read that accurately.

23           Q           This again was from Bob Rhodes to you,  
24 Nick Sanderson and Joe Meyers; is that right?

25           A           Yes.

1                               - Brett Yagel -

2           Q           Then you forwarded it on to Nick  
3 Sanderson; is that right?

4           A           Yes.

5           Q           Did you have any discussions with Mr.  
6 Sanderson about this email?

7           A           I can't recall.

8           Q           Did you have any discussion with Mr.  
9 Rhodes at all regarding the demographic  
10 projections for Ramapo and Rockland County?

11                       MR. PELOSO: At what time period?

12          Q           During this time period, February of  
13 '07, and after.

14          A           I don't recall.

15          Q           Do you have any idea - I may have  
16 asked you this already - why Mr. Rhodes would be  
17 sending you this information?

18                       MR. PELOSO: Object to the form.

19          Q           If you know.

20          A           I'd be making an assumption and I  
21 can't go into why he sent this to me, except that  
22 this was right around the time of the leaked  
23 yet-to-be-proposed rabbinical college.

24          Q           So what relevance does the leaked  
25 proposed rabbinical college have to do with this

1                               - Brett Yagel -

2       email?

3           A           Housing, large scale housing.

4           Q           For Orthodox, Hasidic Jews?

5           A           Large scale housing.

6           Q           For Orthodox, Hasidic Jews?

7                       MR. PELOSO: Object to the form.

8           A           Large scale housing.

9           Q           Well, you knew, Mr. Yagel, that the  
10       property that Tartikov had purchased was intended  
11       to be used for a rabbinical college; is that  
12       right?

13                      MR. PELOSO: At what point in time?

14          Q           Back in February of '07.

15          A           Did I know specifically? All I knew  
16       was from what was stated on the Preserve Ramapo  
17       website and what was stated in the paper by Mr.  
18       Savad and at the public hearings. That's it.

19          Q           But you knew based on that, you knew  
20       that the proposed use was going to be for  
21       Orthodox, Hasidic Jews; is that right?

22                      MR. PELOSO: Object to the form.

23          A           No.

24          Q           Did you know it was proposed to be  
25       used for a rabbinical college?

1                               - Brett Yagel -

2           A           According to statements that were made  
3 by Mr. Savad, that a college of some sort would  
4 be built or was intended to be built, yes.

5           Q           But you knew back then in February of  
6 '07 that there was going to be some use for a  
7 religious purpose; is that right?

8           A           Potentially, yes.

9           Q           You also knew back then in February  
10 '07 that there was going to be a housing  
11 component to that religious purpose; is that  
12 right?

13          A           Did I know factually, no. Based upon  
14 things that were released, yes.

15          Q           You knew the owners of the Rabbinical  
16 College of Tartikov were Orthodox and Hasidic  
17 Jews; is that right?

18          A           I knew they were Jewish. I didn't  
19 know they were Orthodox or Hasidic. I can't --  
20 honestly, I don't make a distinction.

21          Q           Do you know Michael Tauber?

22                       MR. PELOSO: Asked and answered.

23          A           Asked and answered.

24          Q           Okay, fair enough.

25                       Does Michael Tauber dress in the

1                   - Brett Yagel -

2       identifiable dress that you mentioned earlier  
3       about Orthodox, Hasidic and Jews?

4           A       In terms of wearing dark clothing and  
5       light shirt, white shirt?

6           Q       Yes.

7           A       Yes. But I believe he also has --

8                   MR. PELOSO: There's no question  
9       pending, sir.

10                  MR. STEPANOVICH: (Handing document to  
11       be marked.)

12                  (Whereupon, Article entitled, "Where  
13       Religion Meets Real Estate, a Developer and  
14       a Town Face Off," Bates No. RC4137, was  
15       marked Plaintiff's Exhibit 195 for  
16       identification.)

17           Q       I've handed you what's been marked as  
18       Plaintiff's Exhibit 195, ask if you can identify  
19       this document?

20           A       This was an article written by Peter  
21       Applebome of the New York Times.

22           Q       Entitled, "Where Religion Meets Real  
23       Estate, a Developer and a Town Face Off"; is that  
24       right?

25           A       Correct.

1                               - Brett Yagel -

2           Q           Do you recall being interviewed for  
3 this article?

4           A           I might have made a comment, yeah.

5           Q           Do you recall what your comment was  
6 regarding this article?

7           A           "The attorney who represents the  
8 developer and owner of the property appears ready  
9 to file a lawsuit without knowing what the codes  
10 in the Village of Pomona are," said one resident,  
11 Brett Yagel. "It's pretty disgusting. They're  
12 trying to create this mini city in our village  
13 and push people out who have put their heart and  
14 soul into the community for years."

15          Q           End of quote?

16          A           End of quote.

17          Q           That's your statement?

18          A           Yeah.

19                   MR. STEPANOVICH: (Handing document to  
20 be marked.)

21                   (Whereupon, Article by Lynn Yagel,  
22 Bates No. RC4568, was marked Plaintiff's  
23 Exhibit 196 for identification.)

24          Q           I'm handing you now, Mr. Yagel, what's  
25 been marked as Plaintiff's 196, and ask if you

1                   - Brett Yagel -

2       recognize this document?

3           A        Yes.

4           Q        What is it?

5           A        It's something that my wife submitted  
6       to the Journal News in February 2007.

7           Q        Did you agree with the contents of  
8       this article?

9                   MR. PELOSO:  As he sits here  
10       presently?

11          Q        Back in February of '07 when it was  
12       submitted.

13                  MR. PELOSO:  I object.  Are you  
14       seeking the opinion or the facts or --

15          Q        Do you agree with the --

16                  MR. STEPANOVICH:  I don't want to go  
17       through every line.  I'll give him a chance  
18       to review it and then maybe I'll ask a  
19       couple of questions to see how he responds  
20       and we'll go through it.

21          A        (Reading document.)  Yes.

22          Q        You agree with the contents of this  
23       article?

24          A        Not all, but yes.

25          Q        What in this article do you disagree

1                               - Brett Yagel -

2       with?

3           A            "To say that a virtual mini city  
4       within the village that will house thousands of  
5       homogenous individuals who can control village  
6       elections," I disagree with that.

7           Q            What else? Anything else?

8           A            No.

9                       MR. STEPANOVICH: (Handing document to  
10       be marked.)

11                      (Whereupon, Draft email to Journal  
12       News Editorial Page, Bates No. POM20042, was  
13       marked Plaintiff's Exhibit 197 for  
14       identification.)

15          Q            I'm handing you now, Mr. Yagel, what's  
16       been marked as Plaintiff's Exhibit No. 197, and  
17       ask if you can identify this document?

18          A            It looks like a draft of the prior  
19       exhibit.

20          Q            196?

21          A            Yeah.

22                      MR. PELOSO: Is there a question  
23       pending?

24                      MR. STEPANOVICH: I'm sorry, I thought  
25       he was still reviewing.



1 - Brett Yagel -

2 Q Are you done reviewing it?

3 A Yes.

4 Q This draft was composed by yourself  
5 and Rita Louie?

6 A No.

7 Q Well, at the bottom it says Rita Louie  
8 and Brett Yagel.

9 A It was composed by Rita Louie.

10 Q Your name is on there as well?

11 A I did not compose this email or this  
12 draft.

13 Q Did you edit this draft, 197?

14 A I may have, yes.

15 Q Was 197 ever submitted to the Journal  
16 News editorial page under your name or Rita  
17 Louie's name?

18 MR. PELOSO: In this form?

19 Q In this form.

20 A No, not to my knowledge.

21 Q I think that's it. Just one second.

22 We have no further questions.

23 MR. PELOSO: No questions.

24 MR. STEPANOVICH: Other than, John, I  
25 think we'll hold it open pending the

1                   - Brett Yagel -

2       resolution of the matter with Marci  
3       Hamilton.

4               MR. PELOSO:   That's your prerogative.  
5       I disagree, but...

6               MR. STEPANOVICH:   We've been down that  
7       road.   So we'll discuss that.   So I'm not  
8       concluding the deposition of Mr. Yagel.

9               (Time Noted:   6:26 p.m.)

10                               \*   \*   \*

11

12

\_\_\_\_\_  
Brett Yagel

13

14

15       Subscribed and sworn to  
16       before me this       day  
17       of                   , 2014

18

19

20

21

22

23

24

25

## E X H I B I T S

Plaintiff's	Description	For Ident.	Page/Line No.
Ex 130	Notice of Deposition	4	4
Ex 131	Defendant Yagel's Supplemental Responses To Plaintiffs' Second Set of Interrogatories	4	7
Ex 132	Newsletter "The Village Green" July 2007 Bates No. POM13285	11	24
Ex 133	Document entitled, "Document Hold and Preservation Notice-Privileged and Confidential" Bates No. POM33617	13	19
Ex 134	Preserve Ramapo email, 1/9/07 Bates Nos. POM0013255-59	27	22
Ex 135	Board of Trustees-Special Meeting, Minutes 4/21/08 Bates No. POM19945	36	11
Ex 136	Email dated 8/7/07 Bates No. POM16947	42	23
Ex 137	Emails Bates No. POM16953	62	3

## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 138	Copy of invitation to a cocktail party 10/22/05 Bates No. LYAGEL00011	85 9
Ex 139	Emails Bates Nos.POM0031218-20	86 25
Ex 140	Document entitled, "Why A Vote For Preserve Ramapo Is A Vote Against Our Community's Interests" Bates No. POM33279	100 4
Ex 141	Emails Bates No. POM33278	100 17
Ex 142	Copy of pamphlet of Village Community Party Bates No. POM20045	104 11
Ex 143	Document Re Pomona Election Bates Nos.POM0012596-99	108 3
Ex 144	Email dated 8/3/07 Bates No. POM21331	111 12
Ex 145	Email dated 3/17/07 Bates No. POM16974	113 8
Ex 146	Campaign literature Bates Nos.POM0012600-02	115 17

## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 147	Campaign literature Bates No. POM20040	120 20
Ex 148	Document entitled, "Candidate Endorsement" Bates No. POM20296	124 14
Ex 149	Document to Rita Bates No. POM20311	125 23
Ex 150	Campaign literature Bates No. POM33090	128 17
Ex 151	Campaign literature Bates No. POM20576	130 15
Ex 152	Copy of pamphlet of Village Community Party Bates No. POM20039	131 18
Ex 153	Campaign literature Bates No. POM12974	134 10
Ex 154	Campaign literature Bates No. POM154	135 25
Ex 155	Campaign literature Bates No. POM20314	138 3
Ex 156	Campaign literature Bates No. POM20315	138 22
Ex 157	Document from Journal News Bates Nos. RC9-14	139 15

## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
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Ex 158	Campaign literature Bates No. POM20303	141 2
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Ex 159	Campaign item Bates No. POM21311	141 15
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Ex 160	Campaign literature Bates Nos. RC3-6	142 14
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Ex 161	Email dated 3/16/07 Bates No. POM21292	143 25
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Ex 162	Journal News article, 4/2/07 Bates Nos. RC1682-83	145 5
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Ex 163	Printout from lohud.com Bates Nos. RC1834-36	146 5
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Ex 164	Emails Bates No. POM16975	147 8
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Ex 165	Complaint Form, NYS Office of the Attorney General, Public Integrity Unit Bates No. POM20321	150 7
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Ex 166	Email dated 4/27/07 Bates No. POM17046	153 10
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Ex 167	Document entitled, "Community View - A Tale of Two Towns - One Divided" Bates No. POM20328	156 25
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## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 168	Document entitled, "Another Example of Why Things Are Wrong In Ramapo" Bates No. POM20326	166 20
Ex 169	Emails Bates No. POM20858	168 25
Ex 170	Email dated 3/9/10 Bates No. POM19274	169 20
Ex 171	Email dated 4/7/07 Bates No. POM16969	183 14
Ex 172	Printout from lohud.com Bates Nos. RC614-21	185 10
Ex 173	Affidavit In Opposition To Defendants' Motion To Dismiss	188 6
Ex 174	Emails Bates No. POM17094	191 3
Ex 175	Printout, "Save Ramapo" Bates Nos. RC423-446	196 21
Ex 176	Document entitled, "The Real Discrimination" Bates No. POM20308	202 11
Ex 177	Document entitled, "Critique of Ramapo FGEIS" Bates Nos. POM0012887-97	206 16

## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 178	Article entitled, "Trustee looks at Ramapo housing" Bates No. RC408	207 11
Ex 179	Document entitled, "Land Use Leadership Alliance Training Program 2008 Rockland County" Bates No. POM20299	209 16
Ex 180	Email dated 2/25/07 Bates No. POM36716	211 2
Ex 181	Various letters Bates No. POM36717	211 6
Ex 182	Document entitled, "The Patrick Farm Sellout - Three Betrayals" Bates Nos. RC570-573	216 9
Ex 183	Document entitled, "Preserve Ramapo endorsement" Bates No. POM20043	219 25
Ex 184	Emails Bates No. POM17235	220 19
Ex 185	Emails Bates No. POM21307	223 7
Ex 186	Draft of letter Bates No. POM20319	225 3



## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 187	Email dated 7/11/07 Bates No. POM16958	227 14
Ex 188	Email dated 8/3/07 Bates No. POM33298	229 5
Ex 189	Board of Trustees Minutes, 3/24/08 Bates No. POM19941	230 16
Ex 190	Board of Trustees Minutes, 3/23/09 Bates No. POM20206	231 19
Ex 191	Email dated 6/28/06 Bates No. POM17244	232 17
Ex 192	Emails Bates No. POM34701	237 9
Ex 193	Email dated 8/13/07 Bates No. POM33294	239 20
Ex 194	Email dated 2/15/07 Bates No. POM17119	240 9
Ex 195	Article entitled, "Where Religion Meets Real Estate, a Developer and a Town Face Off" Bates No. RC4137	245 12
Ex 196	Article by Lynn Yagel Bates No. RC4568	246 21

## E X H I B I T S

Plaintiff's	Description	For Ident. Page/Line No.
Ex 197	Draft email to Journal News Editorial Page Bates No. POM20042	248 11

## D A T A R E Q U E S T E D

	Page/Line No.
Production of Marci Hamilton retainer letter	150 3

1  
2 STATE OF NEW YORK )  
3 ) ss.  
4 COUNTY OF ROCKLAND )  
5

6 I, Gale Salit, a shorthand reporter and  
7 Notary Public within and for the State of New  
8 York, do hereby certify:

9 That BRETT YAGEL, the witness whose  
10 examination is hereinbefore set forth, was

11 duly sworn by me and that the transcript

12 of said examination is a true record of the  
13 testimony given by the witness.

14 I further certify that I am not related  
15 to any of the parties to this action by blood  
16 or marriage and that I am in no way interested  
17 in the outcome of this matter.

18 IN WITNESS WHEREOF, I have hereunto set  
19 my hand this 20th day of May, 2014.  
20

21   
22 \_\_\_\_\_

23 Gale Salit  
24 Shorthand Reporter  
25

1 Errata Sheet

2

3 NAME OF CASE: CONGREGATION RABBINICAL COLLEGE OF TARTIKOV -against- VILLAGE OF POMONA

4 DATE OF DEPOSITION: 05/08/2014

5 NAME OF WITNESS: BRETT YAGEL

6 Reason Codes:

7 1. To clarify the record.

8 2. To conform to the facts.

9 3. To correct transcription errors.

10 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_

11 From \_\_\_\_\_ to \_\_\_\_\_

12 Page \_\_\_\_ Line \_\_\_\_ Reason \_\_\_\_

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